

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.7of 2008

State of Odisha *Appellant*
Mr. J.Katikia, AGA
-versus-
Girish Samantra & Others *Respondents*

**CORAM:
THE CHIEF JUSTICE
JUSTICE R.K.PATTANAIK**

Order No.

**ORDER
08.08.2022**

10. 1. The State seeks to appeal against an order dated 27th July, 2007 passed by the Ad hoc Additional Sessions Judge in Sessions Case No. 30 and 34/2004 acquitting the Respondents of the punishable offence under Section 302 IPC.
2. The case turned on eye witness testimonies P.Ws. 4 & 5 who attributed sharp-edged weapons to each of the Respondents in their attack on the deceased. The post mortem report however, indicated two cuts on the scalp and the cause of death was stated to be the aforementioned cerebral injuries. The trial court on careful analysis of the evidence of P.Ws 4 & 5 found that their testimonies were not corroborated by the medical evidence and therefore, gave the benefit of the doubt to the accused.

3. Having carefully examined the judgment of the trial court, in light of the submissions made by learned counsel for the State, the Court is not persuaded that view taken by the trial court was not a plausible one to take in light of the evidence placed before it.

4. Consequently, the Court declines the State leave to appeal against the said judgment.

5. The petition is dismissed as such.

