

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLLP No.68 of 2018

State of Orissa

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Appellant

-Versus-

Babina @ Saroj Kumar Mohanty

Respondent

Mr. Sk. Zafrulla, ASC

CORAM:

JUSTICE C.R. DASH

JUSTICE SAVITRI RATHO

ORDER

16.02.2022

Order Nos.

03.

1. This matter is taken up through Hybrid Arrangement (Virtual/ Physical Mode).
2. Heard.
3. This is a petition for grant of leave to file appeal against the order of acquittal of the Respondent from the charge under Sections 376, 511, 302, 201 IPC.
4. Perused the evidence of the Medical Officer-P.W.12 and the husband of the deceased-P.W.17. The case is entirely based on the circumstantial evidence. The circumstances are:-
 - (i) The deceased was last seen together in the company of the Opp. Party ;
 - (ii) The extra-judicial confession of the Opp. Party before P.W.17;

5. From the medical evidence of P.W.12, it is clearly found that the cause of death is asphyxia due to ante-mortem hanging. The extra-judicial confession before P.W.17, taking into consideration the entirety of the evidence does not inspire confidence of the Court.

6. Having perused the impugned Judgment, we find that the learned trial court has strenuously analyzed each and every evidence borne on record and the impugned Judgment merits consideration.

7. Regard being had to the aforesaid facts, we are not inclined to grant leave in this matter.

8. Accordingly, the CRLLP is dismissed.

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C.R. Dash, J.

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Savitri Ratho, J.





