

(2013) 07 MP CK 0115
In the Madhya Pradesh High Court
Case No : Criminal A. No. 1618 of 2011

Smt. Rekha Bai Bundela

APPELLANT

Vs

Dharam Singh Bundela

RESPONDENT

Date of Decision : 29-07-2013

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 372
Penal Code, 1860 (IPC) — Section 302

Citation : (2013) 07 MP CK 0115

Hon'ble Judges : B.D. Rathi, J;Ajit Singh, J

Bench : Division Bench

Advocate : Satish Shrivastava, for the Appellant; C.K. Mishra, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

B.D. Rathi, J.—Heard on admission. This appeal has been preferred u/s 372 of the Code of Criminal Procedure (hereinafter referred to as "the Code") being aggrieved with the judgment dated 23/11/10 passed by Sessions Judge, Narsinghpur in Sessions Trial No. 1/2008, whereby respondent no. 1 Dharamsingh has been acquitted of the offence u/s 302 of the Indian Penal Code (for short "IPC").

2. Prosecution case, in brief, is that on 1/11/07, First Information Report (Ex. P/19) at Police Station Suatala was lodged by complainant Komal to the effect that his son Narayan Singh had gone to Gadhawala field Pipariyahaar at about 8 p.m. for irrigation purposes. Next day in the morning, her grand-daughter Pipariya informed that Narayan Singh was lying near the well and blood was oozing from his head. She reached the spot and saw that Narayan, having head injury, was lying dead there and a stone with blood stains was also lying nearby. Crime No. 224/07 was registered and after completion of investigation, charge-sheet was filed.

3. Learned counsel for the appellant, while making reference to the evidence on

record, submitted that the trial Court has erred in appreciating the evidence and the judgment of acquittal deserves to be interfered with.

4. Having regard to the arguments advanced by the counsel for the parties, we have gone through the record of the trial Court.

5. The whole case of prosecution is based upon circumstantial evidence. The learned trial Court has found that the chain of circumstantial evidence was not complete.

6. On perusal of the evidence and material available on record, we fully agree with the findings recorded by the trial Court based on the proper appreciation of evidence on record.

7. It is well settled that the judgment of acquittal should not be disturbed unless the conclusions drawn on the basis of evidence brought on record are found to be grossly unreasonable or manifestly perverse or palpably unsustainable.

8. Taking into consideration the reasons assigned on the face of evidence on record establishing the aforesaid facts and circumstances, the view taken by the learned trial Court was apparently a possible view. As such, no interference is called for with the order of acquittal in question. The appeal, therefore, stands dismissed.