

(2023) 11 MP CK 0071

In the Madhya Pradesh High Court

Case No : Criminal Appeal No. 14463 Of 2023

State Of Madhya Pradesh

APPELLANT

Vs

Shivcharan Lodhi And Others

RESPONDENT

Date of Decision : 22-11-2023

Acts Referred:

Code Of Criminal Procedure, 1973 — Section 378(3)
Indian Penal Code, 1860 — Section 34, 201, 302

Citation : (2023) 11 MP CK 0071

Hon'ble Judges : Rohit Arya, J; Amar Nath (Kesharwani), J

Bench : Division Bench

Advocate : Anjali Gyanani

Final Decision : Dismissed

Judgement

Rohit Arya, J

Heard on I.A. No.21244 of 2023, which is an application under Section 378 (3) of Cr.P.C. moved on behalf of the State seeking leave to appeal against the judgment of acquittal of respondents dated 28/08/2023 passed by the First Additional Sessions Judge, Karera, District Shivpuri (M.P.) in ST No.19/2021 whereby respondents have been acquitted of charges levelled against them under Sections 302 r/W 34, 201 of IPC.

We have heard learned Public Prosecutor appearing on behalf of State.

We have also perused the impugned judgment.

The conclusion of acquittal drawn in favour of the respondent particularly, in view of paragraphs 26, 37 to 40 to 44, 46 & 47 of the impugned judgment, appears to be reasonable and plausible based on proper appreciation of evidence. The judgment and the reasoning thereof, are not manifestly illegal or perverse to make out a case of miscarriage of justice. The judgment is impregnable as neither there is any illegality nor irregularity in the finding so recorded.

Therefore, no compelling or substantial reasons for interference by this appellate Court and for grant of leave to appeal, are made out.

Accordingly, I.A.No.21244 of 2023 is rejected.

Consequently, present appeal stands dismissed.