

(2013) 02 UK CK 0013

In the Uttarakhand High Court

Case No : Leave to Appeal No. 114 of 2012, Government Appeal No. 44 of 2012
and Delay Condonation Application No. 1396 of 2012

State of Uttarakhand

APPELLANT

Vs

Akhilesh Kumar Amoli and Others

RESPONDENT

Date of Decision : 22-02-2013

Acts Referred:

Citation : (2013) 1 NCC 724

Hon'ble Judges : Umesh Chandra Dhyani, J; Prafulla C. Pant, J

Bench : Division Bench

Advocate : Hari Om Bhakuni, Brief Holder, for the Appellant; M.S. Bisht, for the Respondent

Judgement

Prafulla C. Pant, J.—This is Delay Condonation Application No. 1396 of 2012, for condonation of delay in filing the appeal. After perusal of affidavit of Jai Pal Singh, the Delay Condonation Application No. 1396 of 2012 is allowed, as the delay is sufficiently explained. Delay stands condoned.

2. Also heard on application for leave to appeal No. 114 of 2012 and perused the impugned judgment and order dated 28.02.2012, passed by learned Sessions Judge, Pauri Garhwal in Sessions Trial No. 62 of 2003.

3. As per the prosecution case, the dead body of the deceased was found after 3-4 days of her death in a jungle. There is no direct evidence on the record as to commission of murder of the deceased by the accused/respondents. It has also come on the record that accused/respondent Nos. 2, 3 and 4 used to live separately from the deceased, and the deceased was said to be living with her husband and three grown up children in a separate house.

4. Having considered submissions of learned counsel for the appellant, and after going through the impugned judgment and order passed by the trial court, we are of the view that chain of circumstances is not complete as against the accused/respondents to hold them guilty of charge of offence punishable u/s 302

of I.P.C. Therefore, application for leave to appeal is rejected. Leave is refused. The appeal stands dismissed summarily.