

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 657 of 2015**

State of Chhattisgarh, Through the Station House Officer, Police Station
Bhairamgarh, District Bijapur, Chhattisgarh.

---- Appellant**Versus**

1. Barsa Maitu S/o Bodda Muriya, Aged about 25 years, R/o village Daler, P.S. Bhairamgarh, District Bijapur, Chhattisgarh.
2. Dilip Boko S/o Sukalu Boko Muriya, Aged about 35 years.
3. Manglu @ Modi S/o Gulodi Benjami, age about 30 years.

Both are resident of village Tindori, P.S. Bhairamgarh, District Bijapur,
Chhattisgarh.

---- Respondents

For Appellant/State : UNS Deo, Government Advocate.

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****28/08/2015**

1. I.A. No. 1 of 2015 has been filed to condone delay of 20 days in filing the appeal. Considering the duration, it is condoned.
2. The present appeal assails acquittal of Respondents of the charges under Section 302, 364, 148, 149 and 506 IPC in Sessions Trial No. 180 of 2013 ordered by the Sessions Judge, Dakshin Bastar, Dantewada, dated 19.1.2015.
3. Learned Counsel for the State submits that acquittal of the Respondents was not justified. Materials had been collected during investigation on the basis of which they were made accused. Merely because the witnesses may have subsequently turned hostile was not sufficient justification for having acquitted them.

4. We have considered the submissions.

5. According to the allegations, about more than 15-20 persons armed with weapons came to the house of the deceased, forcibly took him away when his dead body was found after a week lying abandoned. According to the prosecution, the assailants were calling each other by their names as noticed in the judgment under appeal amongst which names of the Respondents did not find place. The Respondents denied the accusation. PW-1, PW-2 and PW-3, the wife, daughter in law and daughter of the deceased did not identify the Respondents in the dock also as a member of the mob which took the deceased away leading the Trial Court to the conclusion that there was complete lack of evidence. The evidence of a hostile witness is not to be rejected entirely and to the extent it may find support from other corroborative evidence and can well be looked into for conviction. In the present case, evident from the judgment under appeal, nothing has been pointed with regard to the same.

6. We therefore find no reason to entertain this miscellaneous application. The application is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE