

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 40 of 2015

Smt. Moharram Bee W/o Shri Shekh Jamal, Aged About 55 Years,
By Caste – Muslim, R/o Village Syang, Thana Kartala, Tahsil.
Kartala, Civil & Revenue District – Korba, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh, through District Magistrate Raigarh, District Raigarh, Chhattisgarh.
2. Chamru Das Mahant S/o Sukhdas Mahant, Aged about 33 Years R/o Village Jamargi D, (Bajarpara) Thana & Tahsil - Dharamjaygarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Respondents

For Appellant	: Mr. Sunil Sahu, Advocate
For Respondent/State	: Mr. Arvind Dubey, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

By Prashant Kumar Mishra, J.

20/07/2018

1. The appellant is mother of deceased Tajun Bee. She would challenge the judgment of acquittal whereby the respondent has been acquitted of the charge under Section 302 of Indian Penal Code for committing murder of deceased Tajun Bee.
2. Admittedly, there is no eye witness to the crime nor the missing report lodged by the appellant raised suspicion on any person including the accused. There is no evidence either of last seen together.
3. Case of the prosecution would rest on recovery of a mobile phone from the bushes near the place where dead body was recovered after 4–5 days from the date when the deceased was found missing.

4. Once again, admittedly, there is no material that the mobile recovered on the disclosure statement of the accused belonged to the deceased, neither any call details of the said recovered mobile has been obtained and proved to connect the appellant with the deceased that it was he who was accompanying the deceased at the time of her death.
5. In our considered view, considering the material on record, the only view possible was that the prosecution has failed to prove the case against the accused beyond reasonable doubt. We are in full agreement with the judgment rendered by the trial Court. There is no substance in the acquittal appeal which fails and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Vimla Singh Kapoor)