

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 311 of 2010**

- State Of Chhattisgarh, Through the District Magistrate, District Bastar (CG)

---- Petitioner**Versus**

- Chalki S/o Hamdo, Caste Madiya, Aged about 20-21 years, R/o Village Turangur, Chandarupara, PS Kodanar, District Bastar (CG)

---- Respondent

For Appellant/State
For Respondent

Mr. R. Tripathi, Panel Lawyer
Mr. Punit Ruparel, Advocate

DB.: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Ram Prasanna Sharma****Order On Board By****Prashant Kumar Mishra, J.****22/3/2018**

1. Heard.
2. Challenge in this appeal under Section 378(3) of the Cr.PC is to the judgment of acquittal rendered by the Sessions Judge, Bastar vide judgment dated 28.12.2007 passed in ST No.175/2007, acquitting the respondent for commission of offence under Section 307 of IPC.
3. Respondent Chalki had an affair with injured PW-1 Chetan's daughter Ranjana (PW-2). The respondent had enticed Ranjana,

therefore, a report was lodged against him in Police Station Kodanar.

4. According to the prosecution, on 8.7.2007, at about 8:00 p.m., injured Chetan (PW-1) suffered an injury by an arrow, which was shot from the kitchen garden side of the injured's house. Chetan sustained injury over the right mandible region. Hearing the cries of the injured, Villagers Mahru, Bijoo and others reached the house of the injured. Apart from PW-1 Chetan and PW-2 Ranjana, the prosecution has also examined PW-3 Chingdu Ram, PW-4 Sahadei, PW-5 Dr. T.S. Nag, PW-6 Dr. Govind Singh and PW-7 VPS Chowhan, SI.
5. During investigation, the bow and arrow, which caused the injury, has not been recovered from the respondent.
6. In his Court statement, PW-1 Chetan would depose in para 6 of the cross-examination that since there was darkness, he could not see as to who shot the arrow. This witness has named the respondent on suspicion that since he was moving around in the village during day time with bow and arrow in his hand and further, he had enticed his daughter, it was he who must have shot the arrow.
7. PW-2 Ranjana has also stated in para 3 of her cross-examination that they have named the respondent on suspicion without seeing as to who shot the arrow. PW-4 Sahadeo is the wife of Chetan (PW-1). This witness has admitted that she has not seen the person who shot the arrow.

8. In view of the evidence that none of the witnesses have seen the respondent shooting the arrow nor there is any other evidence to the effect that the respondent was seen near the house of the injured at the time of the incident, the only conclusion which can be drawn from the state of evidence on record is that the prosecution has failed to prove the guilt of the respondent.
9. The trial Court has, thus, not committed any illegality or perversity in acquitting the respondent.
10. The acquittal appeal has absolutely no substance. It deserves to be and is accordingly dismissed.

Sd/-

Judge
(Prashant Kumar Mishra)

Sd/-

Judge
(Ram Prasanna Sharma)

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