

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 620 of 2017**

- Pawan Kumar Yadav S/o Rameshwar Lal Yadav, aged about 45 years, Occupation- Carpenter, R/o Pacharipara, Kurud, P.S.- Kurud, Distt.- Dhamtari (C.G.).

---- appellant

Versus

- Naresh Sahu S/o Late Johat Ram Sahu, aged about 24 years, R/o Pacharipara, Kurud, P.S.- Kurud, Distt.- Dhamtari (C.G.).

---- Respondent

For Appellant : Shri Awadh Tripathi, Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board by Justice Prashant Kumar Mishra

14/08/2019

Heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.

2. By the Judgment dated 07.04.2017, passed by Additional Sessions Judge Dhamtari, C.G. in S.T. No. 09/2016 the respondent/accused has been acquitted of the Charge under Sections 302 of IPC.
3. According to the prosecution case, the accused committed murder of Deceased Ramlal Yadav on or about 23.05.2008. The murder was committed on suspicion that the deceased was engaged in sorcery (*Jadu-Tona*). In the absence of any eyewitness to the incident the prosecution case is rested on circumstantial evidence, however, even in that respect there was no evidence of last seen together or extra judicial

confession.

4. The only circumstance against the appellant was his memorandum statement and consequent recovery of the shoes and axe which were although found with bloodstain but no serological report could be obtained because the blood over these articles had disintegrated.
5. Considering the quality of evidence adduced by the prosecution the view taken by the trial Judge does not appear to be perverse, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge