

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 595 of 2018

- State Of Chhattisgarh, Through Police Station Kansabel, District Jashur, Chhattisgarh

---- Petitioner

Versus

- Mithoo Ram, S/o Dhanesh Ram, Aged About 30 Years, Caste Malar, R/o Village Pakarikachhar Judvain, Police Outpost Dokda, Police Station Kansabel, District Jashur, Chhattisgarh

---- Respondent

For Applicant Shri R. S. Baghel, Dy. AG

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra

09/09/2019

1. On due consideration, delay of 68 days in filing the CRMP is condoned. Accordingly, IA No.1/2018 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 323 and 307 of IPC.
3. The accused has allegedly assaulted the injured Yashoda and PW-1 Surajnath by means of wooden stick. However, PW-1 Surajnath has turned hostile and has not supported the prosecution in his deposition. The injured Yashoda died in course of trial, therefore, she has not been examined. Other material witnesses are also not supporting the prosecution.

4. Considering the nature and quality of evidence on record, we are not inclined to grant leave to appeal against acquittal.
5. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala