

HIGH COURT OF CHHATTISGARH, BILASPUR

- State of Chhattisgarh Through Station House Officer, Police Station- Jashpur, District- Jashpur, Chhattisgarh.

Versus

- Ejinius Ekka S/o Anantiyus Ekka Aged About 45 Years
Caste- Uraon, R/o Chote Karounja, Police Station- Jashpur,
District- Jashpur, Chhattisgarh.

For Applicant-State :- Shri Neeraj Mehta, PL

Prashant Kumar Mishra, J

1. Heard learned State counsel on I.A. No.1 as also on admission.

2. This is an application for condonation of delay in filing the application seeking leave to appeal.

3. On due consideration, the application is allowed and delay

of 125 days in moving the application is condoned.

4. Accused was sent for trial for committing offence under Sections 294, 506 and 307 of IPC. Though, the victim, PW-12 (Rahul Kujur) has suffered injuries over his neck and chest by means of knife, when examined in Court, the victim has turned hostile and has not supported the prosecution. He has stated that after consuming *Hadia* (हड़िया) (local brewd country made liquor) together he was lying beneath a *Bargad* (banyan) tree and on his return journey he fell and sustained injuries over his body and further that no one has assaulted him to cause the injury.
5. In view of the above statement of the victim, the trial Court has rightly acquitted the accused.
6. Accordingly, there is no substance in this application seeking leave to appeal, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Ankit