

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1129 of 2019**

- State Of Chhattisgarh Through The Police Station Jamul, District Durg, Chhattisgarh.

---- Applicant**Versus**

- Santosh Deshlahre, S/o Late Sukhlal Deshlahre, Aged About 40 Years Occupation- Driver, Residents Of Nandni Road, Near A. C. C. Chowk, Police Station- Jamul, District- Durg, Chhattisgarh.

---- Respondent

For Applicant/State : Shri Santosh Bharat, Panel Lawyer.

**Hon'ble Shri Prashant Kumar Mishra &
Hon'ble Shri Gautam Chourdiya, JJ**

Order On Board By Prashant Kumar Mishra, J**09/07/2019 :**

1. This application has been preferred against the judgment of acquittal dated 7.2.2019 passed by the Sessions Judge, Durg in ST No.107/2018 whereby the respondent/accused has been acquitted of the charge under Section 302 of the IPC.
2. The accused was sent for trial for committing murder of his maternal grandmother deceased Dhan Bai. The only evidence

against the accused is that he was residing in the same house where the deceased was staying and that after the incident, blood stained jacket and wooden stick were recovered on his memorandum statement. Witnesses to the memorandum statement and seizure namely, (PW-4) Dilip Kumar and (PW-6) Dhankeshwar Nath Yadav have turned hostile. Therefore, even if the jacket and wooden stick were found to be blood stained, seizure of articles having not been proved, there is no such evidence which would be sufficient to bring home the guilt of the accused. The trial Court has rightly acquitted the accused of the charge under Section 302 of the IPC.

3. The CrMP is accordingly dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Barve