

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1177 of 2019**

- The State Of Chhattisgarh Through District Magistrate, Balrampur- Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- Mahesh Kumar Kushwaha S/o Laxman Mohto Aged About 22 Years R/o Village- Damodarpur, P.S.- Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri K.K. Singh, Govt. Advocate.

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

Order On Board By Prashant Kumar Mishra, J**15/07/2019 :**

1. This application has been preferred against the judgment of acquittal dated 25.1.2019 passed by the Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj in ST No.109/2013 whereby the respondent/accused has been acquitted of the charge under Section 302 & 201 of the IPC.
2. Deceased Jeetbandhan Kushwaha was murdered at about 8.30

pm on 15.5.2009. The concerned police was not able to trace the accused, as no evidence was available. After about 2 years, family members of the deceased allegedly received a SMS that the sender has murdered Jeetbandhan Kushwaha and if Rs.2 lakhs are not paid, other family members would also be murdered. The SMS was found to have been sent by the accused, therefore, he was arrested and his memorandum statement was recorded pursuant to which knife was recovered from his possession. Except for this evidence, there is no other incriminating circumstance against the accused. The prosecution has not collected electronic evidence to prove that the SMS was sent from the mobile number owned or possessed by the accused.

3. Since the case was based on circumstantial evidence, the trial Court has opined that the chain of circumstantial evidence is not so complete so as to point towards the guilt of the accused.
4. Having gone through the evidence, we are not inclined to allow the prayer for leave to appeal.
5. The CrMP is accordingly dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge