

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1308 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Balconagar, District Korba Chhattisgarh

---- Petitioner**Versus**

- Ramphool Yadav S/o Manbodh Yadav Aged About 30 Years R/o Village Kerakachhar, Junapara, Police Chowki Rajgamar , Police Station Balco Nagar, District Korba Chhattisgarh

---- Respondent

For Petitioner/State

Mr. Vikash Shrivastava, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By Prashant Kumar Mishra, J.****24/7/2019**

1. Heard on IA No.1, an application for condonation of delay of 241 days in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.

3. Also heard on admission.
4. The trial Court has acquitted the accused of the charge under Section 304 of IPC.
5. The accused has allegedly committed culpable homicide not amounting to murder of his second wife Sukruta at about 10:30 am on 10.6.2014. According to the prosecution case, the deceased was instigating for visiting her parental house, whereupon, a dispute and altercation took place, in which, the accused gave 3 slap assaults to the deceased and pushed her, due to which, she dashed against the door and sustained head injuries, which resulted in her death.
6. As has been found by the trial Court, there is no evidence that the accused had given 3 slap assaults and pushed the deceased at the time of occurrence. Similarly, there is no evidence led by the prosecution that any dispute or altercation had taken place between the accused and the deceased at the time of the incident.
7. In view of the inconclusive and weak evidence led by the prosecution, the finding recorded by the trial Court that the offence alleged against the accused is not proved, does not appear to be perverse. It is also to be seen that the incident had taken place on 10.6.2014, whereas, the FIR was registered after about 3 years i.e. 12.4.2017.

8. Considering the nature and quality of evidence available on record, no case for grant of leave to appeal is made out.
9. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

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