

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1329 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station- Somni, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. Rajendra Sahu S/o Late Rangulal Sahu Aged About 40 Years
2. Rekha Bai Sahu W/o Rajendra Sahu Aged About 38 Years

Both are R/o Village- Hanoda, Police Station- Utai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Petitioner/StateMr. SK Mishra, 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 226 days in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Deceased Mahesh Sen had allegedly an affair with accused No.2

Rekha Bai. Both the accused had also obtained some loan from the deceased and were not repaying it. On the date of the incident, the accused persons had gone to the house of the deceased where they committed his murder by gagging his mouth through a towel, pressing his neck and assaulting by a stone over his head. The dead body was thrown near agricultural field Mudhipar, Baghera Road, PS Somini. The money purse and mobile set of the deceased were thrown in the river. The prosecution case was not based on any ocular evidence. There was also no evidence of extra judicial confession or last seen together. The prosecution relied on the evidence of seizure of the deceased's motorcycle, its key and Aadhar card. However, witnesses of the memorandum and seizure PW-16 Sohan Chandrakar and PW-17 Pradeep Soni have turned hostile and have not supported the prosecution.

4. Considering the nature and quality of evidence on record, the present is not considered to be a fit case for grant of leave to appeal.
5. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge