

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1475 of 2019

- State of Chhattisgarh Through Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

1. Motilal Nageshiya S/o Gutan Ram Nageshiya Aged About 27 Years
Occupation : Agriculturist, R/o Village Samudripara, Kuhudand,
Police Station Shankargarh District Balrampur Ramanujganj
Chhattisgarh.
2. Tarsen Bunkar @ Cycle S/o Radharam Aged About 29 Years
Occupation : Agriculturist, R/o Village Mada, Police Station Asta
District Jashpur Chhattisgarh.
3. Sheetal Ram Nageshiya @ Guddu S/o Lal Ram Nageshiya Aged
About 29 Years R/o Village Mahadeo Jobla, Police Station
Bagicha District Jashpur Chhattisgarh.
4. Gopal Nageshiya S/o Baleshwar Nageshiya Aged About 26 Years
R/o Village Mahadeo Jobla, Police Station Bagicha District
Jashpur Chhattisgarh.
5. Badul Nageshiya @ Goverdhan S/o Chaura Aged About 44 Years
Occupation Agriculturist R/o Village Sulesha, Police Station
Bagicha District Jashpur Chhattisgarh.
6. Bokha Prajapati S/o Bastu Prajapati Aged About 44 Years R/o
Village Jamhor, Police Station Shankargarh, District Balrampur-
Ramanujganj Chhattisgarh.

---- Respondents

For Applicant-State :- Shri Suryakant Mishra, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

03/07/2019

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

I.A. No.1 of 2019

2. This is an application for condonation of delay in filing the application seeking leave to appeal.
3. On due consideration, application is allowed and delay of 138 days in filing application seeking leave to appeal is condoned. I.A. No.1 stands allowed.
4. The trial Court has acquitted the accused persons of the charges under Sections 302/149 (twice), 396 and 201 of IPC for committing loot and murder of deceased Khalil Ansari and Anish Ansari. The incident happened in between 18.02.2014 to 22.02.2014. The deceased were cattle traders. On 18.02.2014 the deceased had started from village Kothali to their village Birbandha but thereafter, they never reached their destination and subsequently their dead bodies were found inside the

Randeva forest.

5. There is no eyewitness to the crime. The prosecution case rests on circumstantial evidence in form of memorandum statement and consequent seizure of various articles including the weapon of offence. However, the witnesses of the evidence of memorandum and seizure namely, Mohd. Samsun Ansari (PW-4), Abdul Gaffur Shekh (PW-5), Ram Sevak Yadav (PW-11) and Naresh Yadav (PW-12) have not supported the prosecution case. Moreover, the amount of Rs.21,500/-, which was allegedly looted from the deceased persons has not been recovered.
6. The present is a case of no evidence against the accused persons, therefore, the trial Court has not committed any illegality in acquitting the accused persons.
7. Accordingly, there is no substance in this application seeking leave to appeal. The CRMP thus fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge