

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1462 of 2019

- Applicant

- Budhratan Goswami @ Budhia S/o Subhash Goswami Aged About 22 Years, Occupation Agriculturist R/o Bhatapara Charama Police Station Charama District North Bastar Kanker Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Santosh Bharat, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

02/08/2019

1. Heard.
2. On due consideration, delay of 39 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.
3. The accused has been acquitted by the trial Court of the

charges under Sections 460/34, 302/34 of IPC.

4. The prosecution alleged that because of illicit relation of the accused's father with the prosecutrix he and his juvenile brother committed house trespass to enter into the house of the deceased and thereafter strangled her with the help of saree. Except the memorandum statement of the accused consequent to which bottle of kingfisher beer was recovered, there is no other evidence. PW 3, Hemlata Gajendra, daughter of deceased, has stated in Para 2 of her examination-in-chief that her mother had a land dispute with the family of the accused. Thus, the motive mentioned in the confessional statement under Section 27 of the Evidence Act and the one stated by PW 3, are different.
5. Considering the nature and quality of evidence available on record the judgment of acquittal appears to be fully justified.
6. No case for grant of leave to appeal is made out, accordingly, Cr.M.P. is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Ankit

Sd/-

(Gautam Chourdiya)
Judge