

HIGH COURT OF CHHATTISGARH, BILASPUR

- State of Chhattisgarh Through P.S. Chowki Urga, Thana Kotwali, District Korba C.G.

Versus

- Respondent

For Applicant-State :- Shri Avinash Choubey, P.L.

Hon'ble Shri Gautam Chourdiya, JJ.

By

Prashant Kumar Mishra, J

06/08/2019

1. Heard.
2. On due consideration, delay of 46 days in filing the present Cr.M.P. is condoned. Accordingly, I. A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges under Sections 294/34, 323/34, 506/34 & 302/34 of IPC.

4. In a fight between the employees of two private companies deceased – Umesh Yadav, sustained injuries caused by hand-fist, kicks and legs. He subsequently succumbed to the injuries in the hospital.
5. The prosecution relied on the eye witnesses account rendered by Sheetala Prasad Mishra, Brijesh Mishra and Virendra Kumar. However, these witnesses have turned hostile in the Court. They have denied to have witnessed the incident. Even the witnesses to the memorandum statement and consequent seizure have turned hostile.
6. There being lack of evidence against the accused persons, therefore, application for leave to appeal deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge