

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1414 of 2018

- Applicant

1. Anup Lakda S/o Santosh Kumar Lakda Aged About 22 Years R/o Village Hanspur, Police Station Karoundha, District Balrampur-Ramanujganj Chhattisgarh.
2. Ranjit S/o Gansai Aged About 34 Years R/o Village Hanspur, Police Station Karoundha, District Balrampur- Ramanujganj Chhattisgarh.

---- Respondents

For Applicant-State :- Shri K.K. Singh, GA.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

05/08/2019

1. Record of the trial Court being available we have heard learned State counsel on I.A. No.1 as also on admission.
2. On due consideration, delay of 86 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 Section 302/34 of IPC.
4. Case of the prosecution was based on eye witness account rendered by PW 2, Ghullu. The incident happened at about 7:30 pm on 18.08.2015. At that time, both the accused assaulted the deceased-Santosh Kumar by means of club. The incident was said to be witnessed by Gullu, however, Gullu has turned hostile and has not supported the case of prosecution. Other witnesses reached the spot later on, they are hearsay witnesses. There is no Forensic Science Laboratory (FSL) Report of the club recovered from the accused persons.
5. In view of the nature and quality of evidence on record, we do not find any substance in this application for leave to appeal.
6. Accordingly, the present Cr.M.P. is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit