

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1813 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Lormi District Mungeli Chhattisgarh

---- Applicant

Versus

- Parmeshwar S/o Bhagwat Sahu Aged About 36 Years R/o Lakhasar, Outpost Khudiya Police Station Lormi District Mungeli Chhattisgarh

---- Respondent

For Applicant :- Shri K.K. Singh, G.A.

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board**By****Prashant Kumar Mishra, J.****06/08/2019**

1. On due consideration I.A. No.01 of 2019, application for condonation of delay of 42 days in filing of CrMP is allowed.
2. The trial Court has acquitted the accused of the charge under Section 302 of I.P.C.
3. Dead body of deceased Dinesh Verma was recovered on Chindpura Khaat Bagharra Road on 23.05.2018. Four days prior

to the recovery of a dead body, the accused had visited the house of the deceased and threatened his family members that if the deceased keeps on abusing him he will have to face dire consequences.

4. There is evidence on record that in the election of Sarpanch of the concerned Gram Panchayat, wife of the accused and wife of the deceased had contested against each other wherein accused's wife Purnima was declared elected. There is no evidence as to what had happened to the deceased when he went missing one day after the incident of abuse and three days prior to the recovery of dead body. There is no evidence of last seen together or extra judicial confession. Further there is no evidence of recovery of weapon either. Merely because the accused had visited the house of the deceased along with Baisakhu and Bhai Ram four days prior to the recovery of the dead body, it cannot be said that it is the accused who had committed murder.
5. There being absolute lack of cogent and reliable evidence against the accused, no case for grant of leave to appeal is made out.
6. In view of the above, the CrMP deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge