

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1863 of 2019

- State Of Chhattisgarh Through The Police Station Janjgir, District- Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. Narsingh Gond, S/o Kishun Gond, Aged About 25 Years
2. Chhotu Gond, S/o Kishun Gond, aged about 19 years

Both are Caste – Sabriya, R/o Babadera Lachanpur Police Station Janjgir, District - Janjgir-Champa, Chhattisgarh

---- Respondents

For Applicant

Shri Avinash Choubey, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra

13/08/2019

1. On due consideration, delay of 253 days in filing the CRMP is condoned. Accordingly, IA No.1 is allowed.
2. The Trial Court has acquitted the accused of the charges under Section 302 read with Section 34 and Section 201 of IPC.
3. The accused persons were sent for trial for committing murder of deceased Vinod Tiwari between 9:30 to 10:30 pm on 24.02.2018. PW-8 Phool Bai was the star witness for the prosecution being an eye witness, however, when examined in Court, she has turned hostile and has not supported the case of the prosecution. In her

case diary statement, she had stated that when the accused persons were beating the deceased, she went and informed Sitaram and Rajendra Tiwari, however, Rajendra Tiwari, examined as PW-1, has not supported the case of the prosecution, whereas Sitaram has not been examined.

4. Considering the nature and quality of evidence available on record, we are not inclined to grant leave to appeal.
5. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala