

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1822 of 2019

- State Of Chhattisgarh, Through - Police Station, Jashpur, District Jashpur, Chhattisgarh

---- Petitioner

Versus

1. Singhora Bai, W/o Umesh Bhagat, Aged About 26 Years, Caste Uraon, Resident Of Village Dandagaon, Chowki Manora, District Jashpur, Chhattisgarh
2. Umesh Bhagat, S/o Aditya Bhagat, Aged About 28 Years, Caste Uraon, Resident Of Village Dandagaon, Chowki Manora, District Jashpur, Chhattisgarh

---- Respondents

For Applicant

Shri R. S. Baghel, Dy. AG

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

07/08/2019

1. On due consideration, delay of 404 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 Sections 294, 506-Part II and 302/34 of IPC.
3. Deceased Aditya Ram was the father-in-law and father, respectively, of the accused persons. On account of dispute concerning partition of land, the accused persons allegedly committed murder of the deceased by assaulting him by wooden stick of mango tree. PW-1 Rajkamal Bhagat, cousin of accused

Umesh and PW-2 Prakash Bhagat, real brother of accused Umesh were examined as eye witness to the incident, however, both the witnesses have turned hostile and have denied to seen any occurrence involving the accused persons. Other witnesses namely PW-4 Prem Kumar Soni and PW-5 Rajbali and even the witnesses to seizure have turned hostile. Similarly, PW-10 Shakuntala Bhagat, wife of PW-2 Prakash Bhagat, inmate of the house, has also turned hostile.

4. Considering the nature and quality of evidence on record, we do not consider the present to be a fit case for grant of leave to appeal.
5. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala