

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1836 of 2018

- State of Chhattisgarh Through Station House Officer, Police Station Kansabel, District Jashpur Chhattisgarh, District : Jashpur, Chhattisgarh.

---- Applicant

Versus

1. Shyam Sunder Ram S/o Jagarnath Ram Aged About 26 Years R/o Baigaamba, Out Post Tokada, Police Station Kansabel, District Jashpur Chhattisgarh.
2. Jaipal Ram S/o Maneshwar Ram Aged About 20 Years R/o Baigaamba, Pogad, Out Post Tokada, Police Station Kansabel, District Jashpur Chhattisgarh.
3. Jogendra Ram S/o Sahal Ram Munda Aged About 21 Years R/o Baigaamba, Out Post Tokada, Police Station Kansabel, District Jashpur Chhattisgarh.

---- Respondents

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

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

26/08/2019

1. Heard learned State counsel on I.A. No.1, application for condonation of delay in filing the present Cr.M.P. and on admission.
2. On due consideration, delay of 136 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 stands allowed.
3. The trial Court has acquitted the accused persons of the charges under Sections 302/34 and 201/34 of IPC.
4. The accused persons have allegedly committed murder of Thathu @ Vimal Ram at about 11 pm on 05.06.2017. Accused-Jaipal is the brother-in-law of deceased. He was not pleased with the conduct of the deceased as he was regularly ill-treating his wife, Sanpati Bai, sister of Jaipal. When the deceased was returning to his house in an inebriated condition, at the time of incident, the accused persons were waiting for him on the way and on meeting him they assaulted him by hand-fist, kicks and club etc. The deceased succumbed to the injuries and his death was found to be homicidal.
5. The prosecution relied on the statements of PW-1, Surajnath Ram, PW-2, Ramkrishna Sai, PW-4, Harawati Bai, PW-5, Sanpati Bai, PW-6, Pushpa Bai, PW-7, Karanram, as according to the prosecution these witnesses have seen the occurrence. However, when examined in Court all these

witnesses have turned hostile and have not supported the case of prosecution. The FSL report, Ex.P-42, has also not found blood stains over the articles recovered from accused persons. Thus, there being no evidence against the accused the trial Court acquitted the accused persons.

6. We have seen the entire record. The finding recorded by the trial Court is fully borne out from the evidence on record.
7. Accordingly, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit