

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1947 of 2019**

- State Of Chhattisgarh Through Police Station Nandani Nagar, District- Durg, Chhattisgarh.

----- Applicant**Versus**

1. Vinod Singh Chandravanshi @ Vinod Maharaj S/o Mathura Singh Chandravanshi Aged About 50 Years Permanent Resident Of Village Barma, Police Station- Badahuchimini, District- Gaya (Bihar), Presently Residing Of M.I.G. 215, Near Bhuiya Talab, Kabir Nagar, Police Station Kabir Nagar, Raipur, District- Raipur, Chhattisgarh.
2. Smt. Chandrika Bai Sahu W/o Ankaluram Sahu Aged About 44 Years R/o Near Bhuiya Talab, Kabir Nagar, Police Station- Kabir Nagar, Raipur, District- Raipur, Chhattisgarh.

----- Respondents

For Applicant :- Shri Vikash Shrivastava, PL

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

Order On Board
By
Prashant Kumar Mishra, J.

27/08/2019

1. On due consideration delay of 126 days in filing of Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay in filing of Cr.M.P. is allowed.
2. The trial Court has acquitted the accused persons of the charges under Section 302, 201/120-B of the I.P.C.
3. The accused persons were sent for trial for hatching conspiracy and committing murder of deceased Dinesh Agrawal during the period from 29.08.2017 to 06.09.2017.
4. In the absence of any eye-witness to the crime, the prosecution relied on circumstantial evidence in the nature of memorandum statement of the accused Vinod Singh Chandravanshi and recovery of an iron rod at the place where the dead body was recovered in Shivnath river. The eye-witness to the recovery has not supported the prosecution. The iron rod was not blood stained as it was recovered from under the water. There is no evidence of last seen together or extra judicial confession. The alleged motive that the accused persons wanted to occupy the house belonging to the deceased is not fully established. Even otherwise, in the absence of any other corroborative evidence, mere motive would not be sufficient to convict the

accused on the basis of circumstantial evidence.

5. Considering the nature and quality of evidence available on record, we are not inclined to grant leave to appeal.
6. In view of the above, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi