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HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2082 of 2018

- State Of Chhattisgarh Through - Police Station Kusmi, District Balrampur Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. Benedik Lakda, S/o Bando Lakda, Aged About 63 Years, Occupation Agriculture
2. Bandhu Toppo, S/o Sube Toppo, Aged About 65 Years, Occupation Agriculture
3. Pitrus Toppo, S/o Choyu, Aged About 43 Years, Occupation Agriculture
4. Belas Toppo, S/o Sukhu Toppo, Aged About 51 Years, Occupation Agriculture

All are R/o Village Ratasili, Police Station Kusmi, District Balrampur Chhattisgarh

---- Respondents

For Appellant

Shri Rajesh Singh, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mr. Gautam Chourdiya

Order On Board

03/07/2019

1. On due consideration, IA No.1/2018, application for condonation of delay in filing the application seeking leave to appeal, is allowed and the delay of 16 days in filing the application is condoned.
2. Learned State counsel is heard on admission.
3. The Trial Court has acquitted the accused persons from the

charges under Sections 302 and 201 of IPC. The accused persons have allegedly committed murder of deceased Shiru Lakda on 10.08.2015.

4. According to the prosecution case, the accused Benedik had obtained loan of Rs.1600/- from Shiru and was not repaying the same, therefore, Shiru requested Benedik's daughter to ask her father to return the amount, on which Benedik felt insulted. The accused persons consumed *Hadiya* (locally brewed liquor) and thereafter all of them assaulted the deceased and threw his dead body in the well situated at the residence of accused No.4 Belas Toppo.
5. The prosecution case rests on the circumstantial evidence, however, all the material witnesses examined by the prosecution have turned hostile and have not supported the basic prosecution case. There being no ocular evidence and the witnesses to the last seen having turned hostile, the Trial Court has not committed any error in acquitting the accused.
6. There is no substance in this CRMP seeking leave to appeal. The same deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge