

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2122 of 2019

- State of Chhattisgarh Through District Magistrate, Jashpur, Chhattisgarh.

---- Applicant

Versus

- Bhagwat Toppo S/o Firul Toppo Aged About 23 Years R/o Kudhrajhariya Khutera, P.S.- Kansabel, District-Jashpur, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Aditya Sharma, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

23/09/2019

1. Heard.
2. On due consideration, delay of 127 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.
3. The Trial Court has acquitted the accused of the charges under Sections 450 and 307 of the IPC and Section 5 of Chhattisgarh Tonahi Pratarna Niwaran Adhiniyam, 2005.

4. The accused allegedly committed house trespass at about 7:30 pm on 03.03.2018 and caused injuries, over the neck of victim, Runiya Bai (PW-1), by means of knife. Prosecution witnesses including PW-1, Runiya Bai, have turned hostile. PW-10, Rafael Toppo, has supported the prosecution by stating that soon after the incident Runiya Bai (PW-1) had informed him that the accused has caused the injuries, however, once Runiya Bai, herself has turned hostile, statement of PW-10, Rafael Toppo, would in the nature of hearsay evidence. The same cannot be relied on for basing conviction.
5. In view of the nature and quality of evidence available on record no case for grant of leave to prefer appeal against the acquittal is made out.
6. Accordingly, the present Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit