

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband, District Gariyaband Chhattisgarh.

Versus

- Respondent

For Applicant-State :- Shri Pawan Kesharwani, PL

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

Order On Board

By

Prashant Kumar Mishta, J.

23/09/2019

1. On due consideration delay of 467 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges

under Sections 307 of I.P.C. and Section 25(1)(1-ख)(ख) of the Arms Act, 1959.

3. The accused allegedly caused injuries to the victim PW-1 Mohan Kumar by means of *Chura*, however, the victim has turned hostile and has not supported the case of prosecution.
4. PW-5 Ashok Kumar has projected in the examination-in-chief, as if he has seen the incident, however, in paragraph 5 of his cross-examination, he admits that when he reached the place of occurrence, the victim was already fallen on the ground and the accused was not present. He also says that he could not tell as to the reason for sustaining injuries by the victim, his brother-in-law (*Jija*).
5. Considering the nature and quality of evidence on record and particularly for the reason that the victim himself has turned hostile and would not make any allegation against the accused, we are not inclined to grant leave to appeal against acquittal.
6. Accordingly, the Cr.M.P deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge