

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2168 of 2019

- State of Chhattisgarh Through Police Station Thankhamariya, District Bemetara Chhattisgarh.

---- Applicant

Versus

- Ravi Gandharv S/o Ramlal Gandharv Aged About 34 Years R/o Village Tipni, Police Station Thankhamariya, District Bemetara Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Ashish Gupta, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

30/09/2019

1. Heard.
2. The accused has allegedly committed murder of his mother-deceased, Ramkali, at about 6:30 am on 29.09.2019. The prosecution case was based on the statement of PW-6, Ramlal Gandharv, father of the accused, and the evidence of extra judicial confession made to PW-7, Santosh Sinha,

however, both the witnesses have turned hostile and have not supported the prosecution at any stage of their examination. PW-6 would depose that the accused was not present in the house at the time of incident. Thus the provision of Section 106 of Evidence Act would also not operate against the accused.

3. Considering lack of evidence in the prosecution case, we are not inclined to grant leave to appeal against the acquittal. Accordingly, Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit