

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2090 of 2018

- Sidhan Xess, S/o Late Shri Ruben Xess, Aged About 35 Years, R/o Village Karcha, Nawapara, Police Station Chando, District Balrampur Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Station House Officer, Police Station, Chando, District Balrampur Ramanujganj, Chhattisgarh
2. Amin Sai Kujur, S/o Prem Kujur, Aged About 30 Years, Occupation Cultivator
3. Shailesh Xess @ Shole, S/o Ganpat Xess, Aged About 30 Years, Occupation Cultivator

Both are R/o Village Karcha (Nawapara), Police Station Chando, District Balrampur Ramanujganj, Chhattisgarh

---- Respondents

For Appellant
For Respondent-State

Shri A. K. Pandey, Advocate
Shri Avinash Choubey, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

26/08/2019

1. Applicant is son of deceased Ruben Xess, who was murdered by firing gun shot at about 7 pm on 18.10.2016. The accused persons allegedly hired a killer belonging to the State of Jharkhand, arranged a vehicle for his travel to the place of occurrence and were in contact with the hired killer over mobile phone and paid Rs.50,000/- to him for committing murder.

2. The prosecution went on trial on the basis of circumstantial evidence in the nature of memorandum statement and consequent seizure of their own mobile sets, motorcycle and the vehicle which was used for bringing the assailant from the State of Jharkhand, however, none of the said articles were used as weapon to commit murder. The call details would only prove that the accused persons spoke to some persons in the State of Jharkhand, but the person to whom they spoke has not been arrested nor his mobile/SIM has been recovered. Admittedly, there is no eye witness to the crime. There is no evidence either to the effect that the accused and the deceased were last seen together nor there is evidence in the nature of extra judicial confession or recovery of the weapon of offence from the accused.
3. There is absolutely lack of reliable and cogent evidence to prove the charges against the accused.
4. No case for grant of leave to appeal is made out. Accordingly, the CRMP is dismissed.

Sd/-
Prashant kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge