

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2179 of 2019

- State of Chhattisgarh, Through the Police Station Raghunathpur, District Balrampur- Ramanujganj, C.G.

---- Petitioner

Versus

- Ramayan Sahu S/o Babulal Sahu, aged about 24 years, Occupation Agriculture, R/o Village Raghunathpur, P.S. Raghunathpur, District Balrampur- Ramanujganj, C.G.

---- Respondent

For Petitioner
For Respondent

Smt. Madhunisha Singh, P.L.
None.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Gautam Chourdiya

Order on Board by Shri Prashant Kumar Mishra J.

30/09/2019

1. Heard on I.A. No.1 of 2019.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 172 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 of 2019 is allowed.
4. The trial Court has acquitted the accused/respondent of the charge under Section 302 of IPC vide judgment dated 21.12.2018 passed by the Second Additional Judge to the Court of Additional Sessions Judge, Ramanujganj, District Balrampur- Ramanujganj, C.G. in ST No. R 28/17.
5. The accused allegedly committed murder of deceased Dhan Singh in Bamli forest on 25.09.2016. Case of the prosecution rested on circumstantial evidence in the nature of the memorandum statement

and recovery of axe made from the accused.

6. Pursuant to the memorandum statement of the accused an axe was recovered from his possession, however, PW-7 Rajesh Jaiswal and PW-8 Mohd. Iqbal, who are witnesses of the memorandum statement Ex.P-7 and seizure memo Ex.P-8 have not fully supported the prosecution case. The axe recovered from the possession of the appellant was sent for FSL examination but there is no report that the axe contained the same blood as that of the deceased. There is no report either to the effect that the axe was stained with human blood.
7. There being lack of evidence against the accused proving his involvement in the crime in question, we are not inclined to allow the application for leave to appeal.
8. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge