

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1540 of 2017

- Applicant

- Smt. Rajmuni Bai W/o Ramdular Ram Rautiya Aged About 46 Years R/o Jamunda, Police Station Kansabel, District Jashpur Chhattisgarh.

---- Respondent

For Applicant-State :- Shri K.K. Singh, GA

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

19/08/2019

1. Heard.
2. On due consideration, delay of 33 days in filing the present Cr.M.P. is condoned. Accordingly, I. A. No.1 stands allowed.
3. The trial Court has acquitted the accused of the charges under Sections 4 & 5 of Chhattisgarh Tonahi Pratadna Nivaran Act, 2005 and Sections 450 and 302 of IPC.

4. The respondent/accused was sent for trial for committing murder of her mother-in-law, Sumitra Bai, by setting her ablaze at about 23:50 hours on 26.04.2016.
5. The trial Court relied on the eye witness account of witnesses Jalkuwari Bai, PW-5 and Pramila Bai, PW-6. Jalkuwari Bai is the sister-in-law (Devrani) of the accused whereas, Pramila Bai is the daughter of Jalkuwari Bai, PW-5. Both of them were present in the house at the time of incident, however, they have refused to witness any incident involving the accused committing murder of the deceased.
6. Though the present is a house murder but since PW-5, Jalkuwari Bai, and PW-6, Pramila Bai, also reside in the same house, therefore, it is not a case where at the time of incident the accused and deceased were alone in the house.
7. Considering the nature and quality of evidence available on record, we are not inclined to allow this application for grant of leave to appeal, it fails and is hereby dismissed.
8. Accordingly, Cr.M.P. is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit