

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through - Police Station Dabhra, District Janjgir-Champa Chhattisgarh.

Versus

1. Santosh Kumar Sahu S/o Ramlal Aged About 30 Years R/o Village Murlidih, Police Station Jaijaipur, District Janjgir-Champa Chhattisgarh.
2. Raju Sahu S/o Pardeshi Aged About 35 Years R/o Village Singhra, Police Station Malkharoda, District Janjgir-Champa Chhattisgarh.

---- Respondents

For Applicant-State :- Shri Avinash Choubey, PL

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

Order On Board

By

Prashant Kumar Mishra, J.

13/11/2019

1. The trial Court has acquitted the accused persons of the charges under Sections 364 in alternative Section 364/34, 302 in alternative Section 302/34, 201 in alternative Section 201/34 of the Indian Penal Code.

2. The accused persons were sent for trial for committing murder of deceased Suresh Kumar Sahu at about 6-7 P.M. on 28.04.2016. There being no eye-witness to the crime, the case of the prosecution was based on circumstantial evidence in the nature of last seen together and recovery of motor cycle, however, PW-7 Umend Sahu, the witness to the last seen together has turned hostile and has not supported the prosecution at any stage of his examination. Other witnesses examined by the prosecution have not deposed any such statement which would incriminate the accused persons in connection with commission of crime.
3. Considering the evidence, we are satisfied that present is not a fit case for grant of leave to appeal.
4. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi