

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2300 of 2019

- The State of Chhattisgarh Through - District Magistrate
District - Korba Chhattisgarh.

---- Applicant

Versus

- Santosh Yadav S/o Ramadhar Yadav Aged About 26 Years
R/o Bhalpahari Chowki Hardibazar, Police Station -
Kusmunda, District - Korba Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Chitendra Singh, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

03/12/2019

1. Heard.
2. On due consideration, delay of 117 days in filing the CRMP
is condoned. Accordingly I.A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges
under Section 302 of the IPC.

4. The appellant has allegedly caused murder/death of deceased Kamta Prasad Tiwari and Lakhan Singh by making them to consume poisonous liquor at about 07:00 pm on 01.05.2017. As per the prosecution case both the deceased purchased liquor from the accused's house and after consuming the same they went near the village pond where they succumbed to death near the bushes adjoining the pond. Although presence of methyl alcohol has been found in the body of the deceased as per the FSL report of the viscera of the deceased, however, there is no evidence that the spurious liquor was sold to the deceased by the present accused. There is no witness who have seen the deceased persons purchase the liquor from the house of the accused. Similarly another part of the spurious liquor kept in the house of the accused has not been recovered. Charge for selling illicit liquor constituting an offence under the C.G. Excise Act, 2015 has not been levelled against the accused.
5. Death might have occurred due to consumption of spurious liquor but the real issue is whether the spurious liquor was purchased from the house of the accused, however, in the absence of the conclusive evidence to establish this fact the respondent-accused cannot be held guilty of the offences charged against him.
6. No case for grant of leave to appeal against the acquittal is

made out. Accordingly CRMP deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit