

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.2322 of 2019

- State Of Chhattisgarh, Through Its Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh

---- Applicant

Versus

- Raghuraj Banjare @ Raghu, S/o Late Raghunandan Satnami, Aged About 42 Years, Occupation Driver, Resident Of Village Sonikapara, Police Outpost Maro, Police Station Nandghat, District Bemetara, Chhattisgarh

---- Respondent

For Applicant

Shri Ashish Gupta, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order on Board by Shri Prashant Kumar Mishra J.

05/11/2019

1. On due consideration, delay of 132 days in filing the CRMP is condoned. Accordingly, IA No.1/2019 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 307 (two times) and Section 302 of IPC.
3. The accused was sent for trial for committing murder of deceased Manglin Bai and attempting on the life of PW-2 Sukhambai and one Ansar Ali (not examined) during the intervening night of 30.04.2012 and 01.05.2012. The prosecution case was based on the eye witness account rendered by PW-2 Sukhambai and Ansar Ali, however, Sukhambai has turned hostile and Ansar Ali

has not been examined. The murder was committed by assaulting the deceased by means of stone, which was recovered from the spot and not on the basis of any memorandum statement of the accused. Thus, in the absence of eye witness having supported the prosecution, there is no other evidence against the accused.

4. It is a case of no evidence against the accused, therefore, no case for grant of leave to appeal is made out.
5. The CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala