

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2463 of 2019

- State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali Raigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- Khalid Sheikh S/o Mujaffar Ali Aged About 22 Years Resident of Village Piraspur, Police Station Jiyanagar (Bangladesh) Presently Residing At Stuck Class, Okhali Mandi, Jhuggin No. 865, Police Station Amar Colony, Delhi, India.

---- Respondent

For Applicant-State :- Shri Avinash Choubey, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

18/11/2019

1. Heard.
2. On due consideration, delay of 109 days in filing the present CRMP is condoned. Accordi9ngly, I.A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges under Section 395 and Sections 25 and 27 of the Arms Act,

1959.

4. In a dacoity occurred in the house of the complainant Bal Kishan Kedia during the midnight of 19-20th May, 2015, accused looted gold, silver and diamond ornaments and silver bars weighing 3 kg, valued at Rs.15,00,000/- approximately, however, FIR did not mention the name of the accused rather it was mentioned that the accused was muffled. In their case diary statement also the witnesses PW-9, Meena Agrawal, PW-10, Anurag Agrawal and PW-12, Manidevi Kedia, did not inform the Police that they can identify the accused on seeing him. For the first time in Court, they identified him by saying that they saw his face when he removed the muffle to wash his face. This statement for the first time in Court has not been believed by the trial Court.
5. Having seen the evidence we are in agreement with the trial Court's reasoning that the identity of the accused has not been established.
6. No case for grant of leave to appeal against the acquittal is made out. Accordingly, the present CRMP deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge