

## HIGH COURT OF CHHATTISGARH, BILASPUR

**CRMP No. 2538 of 2019**

- Applicant

- Goutam Nageshiya S/o. Gajadhar Nageshiya Aged About 30 Years R/o Village Serengdag, Police Station Samripath, District- Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant-State :- R. Tripathi, PL

**Hon'ble Shri Prashant Kumar Mishra**

**Hon'ble Shri Gautam Chourdiya, JJ.**

### Order on Board

By

Prashant Kumar Mishra, J

25/11/2019

1. Heard.
2. On due consideration, delay of 90 days in filing the present 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 deceased allegedly committed murder of his brother- Bahadur Nageshiya at about 05:00 pm on 12.08.2017. The incident was set to be witnessed by his parents PW-1, Gajadhar Nageshiya and PW-5, Surji Nageshiya. There are other witnesses before whom the accused allegedly made extra judicial confession.
5. In course of examination both the eye witnesses as well as the witnesses to memorandum statement and seizure have been declared hostile as they have not supported the prosecution case.
6. Considering the evidence, we are not inclined to grant leave to appeal against the acquittal. Accordingly, CRMP deserves to be and is hereby dismissed.

Sd/-  
(Prashant Kumar Mishra)  
Judge

Sd/-  
(Gautam Chourdiya)  
Judge

Ankit