

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2570 of 2019

- Applicant

Versus

- Respondents No. 2 to 4 are R/o. Village Kusmi (Bahera), Police Station & District Bemetara, Chhattisgarh.

---- Respondents

For Applicant-State :- Shri K.K. Singh, G.A.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

27/11/2019

1. Heard.

2. The matter is posted on office note. However, the documents having been filed, we proceeded to hear the matter on admission.
3. The trial Court has acquitted the accused persons of the charges under Sections 341, 294, 506 Part II and 395 of the IPC.
4. The four accused, tried under the impugned order, and a juvenile, restrained the complainant PW-1, Vinod Kumar Dwivedi, criminally intimidated him and while using filthy abusive language committed loot of Rs.6,000/- cash, two ATM cards, driving licence, two mobiles, total valued at Rs.20,900/-.
5. The FIR was lodged after 15 days of incident. PW-1, Vinod Kumar Dwivedi, has clearly stated that before the accused persons were sent for identification they were shown to him in the Police Station and he had identified them. Neither cash recovered from the accused have been put to identification nor the mobiles were identified. Tower location of the mobile set, recovered from the accused, have not been obtained to ascertain as to whether they were present in the locality where the incident had said to take place.
6. In view of the above evidence, the trial Court has rightly acquitted the accused of the charges.

7. No case for grant of leave to appeal against the acquittal is made out. Accordingly, Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit