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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2612 of 2018**

State of Chhattisgarh, Through the Station House Officer, Police
Station- Pendra, District- Bilaspur (C.G.)

---- Petitioner**Versus**

1. Jagdish Kujur, S/o Ramchand Kujur, Aged About 30 Years.
 2. Gyhanchand, S/o Chandansai Kujur, Aged About 58 Years.
 3. Rajendra Singh Thakur, S/o Gangaram, Aged About 23 Years.
- All are R/o Ghanpur, Chitwahi Tola, P.S. Pendra, District-
Bilaspur (C.G.)

---- Respondents

For State/ Petitioner : Mr. Subhash Yadav, Dy. G.A.

For Respondent : None.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Shri Justice Ram Prasanna Sharma****Order On Board****22/02/2019**

1. Heard on I.A. No. 01, application for condonation of delay in filing the petition.
2. On due consideration, delay in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. Learned counsel for the State/ petitioner would argue that even though the solitary eyewitness has not supported case of the prosecution, there is recovery of an axe from possession of the respondents/ accused which connect them with the alleged commission of offence in the background that

the respondents had strong motive to kill the deceased as he was found with the daughter of respondent No. 2- Gyanchand.

5. We have gone through the impugned judgment, material placed on record and the evidence also. We found that solitary eyewitness has not supported case of the prosecution and nothing has been elicited to involve the respondents in the alleged commission of offence. The evidence of recovery of axe could not be made a basis because there is no FSL report that it was blood stained. There is no evidence of deceased seen in the house of the respondents just before the incident, therefore, in these circumstances, we are not inclined to grant leave to appeal.
6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Ram Prasanna Sharma)
Judge