

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 214 of 2019

- State of Chhattisgarh Through Police Station Chhura District Gariyaband Chhattisgarh.

---- Applicant

Versus

- Shrawan Das Manikpuri S/o Kedardas Manikpuri Aged About 31 Years R/o Village Mudagaon, Police Station Chhura District Gariyaband Chhattisgarh.

---- Respondent

For Applicant-State :- Shri S.K. Mishra, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

29/07/2019

1. Heard on I.A. No.1, application for condonation of delay in filing the application seeking leave to appeal.
2. On due consideration, delay of 60 days in filing the Cr.M.P. is condoned. Accordingly, I. A. No.1 stands allowed.
3. The trial Court has acquitted the accused of the charges under Sections 397, 302, 201, 182 and 203 of Indian Penal Code (IPC).

4. The accused was sent for trial for committing murder of deceased-Kartik Das Manikpuri in the evening of 14.04.2016. At that time, Kartik Das Manikpuri was alone in the house as his wife-Tara Bai had gone to attend marriage celebration in some other village. The accused himself lodged the FIR stating that when he reached the house at about 8:30 pm and saw the doors close he called his maternal uncle but there was no response from other side, thereafter, he switched on mobile torch and witnessed that the deceased is lying dead having injuries over his head. Case of the prosecution rested on circumstantial evidence, however, the prosecution has not come out with allegation of last seen together nor there is any strong motive for the accused to commit murder of the deceased. One knife was recovered from the accused but PW-10, Dr. Ravindra Kumar Verma, has found that injuries sustained by the deceased were caused by several weapons.
5. Considering the nature and quality of evidence available, the present does not appear to be a fit case for grant of leave to appeal, accordingly, Cr.M.P. is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge