

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 243 of 2019**

- State Of Chhattisgarh Through P. S. Basantpur District Balrampur Ramanujganj Chhattisgarh.

---- Petitioner

Versus

- Dayaram Korcho S/o Devsai Aged About 78 Years Occupation Agriculture, R/o Village Pashupatipur, Khairapara, P. S. Basantpur District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Respondent-State :- Shri Neeraj Mehta, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya

Order On Board**By****Prashant Kumar Mishra, J.****14/10/2019**

1. On due consideration delay of 24 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 application for condonation of delay occurred in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charge under Section 302 of I.P.C.

3. The accused was sent for trial for committing murder of his wife Bhagmati by assaulting over her head by means of *Lota*. There being no eye-witness to the incident, the prosecution relied on circumstantial evidence, however, there is no evidence that at the time of incident the appellant was present in the house. The only evidence worth consideration was the memorandum statement of the accused pursuant to which the *Lota* was recovered.
4. It is settled law that conviction for committing murder is ordinarily not sustainable only on the basis of recovery of articles until there is strong corroboration by adducing further reliable evidence.
5. Having considered the evidence on record, we are not in a position to take any different view of the matter than the one taken by the trial Court while acquitting the accused.
6. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-

(Prashant Kumar Mishra)
Judge

SD/-

(Gautam Chourdiya)
Judge