

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2650 of 2019**

- State Of Chhattisgarh Through Police Station Magarlod, District Dhamtari Chhattisgarh.

---- Petitioner**Versus**

- Lalji Sahani S/o Ramprasad Sahani Aged About 45 Years R/o Atang, Police Station Kurud, District Dhamtari Chhattisgarh.

---- Respondent

For Applicant :- Shri Pawan Kesharwani, PL

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

Order On Board**By****Prashant Kumar Mishra, J.****16/12/2019**

1. On due consideration delay of 169 days in filing the Cr.M.P. is condoned. Accordingly, I.A. No.01, application for condonation of delay in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 302 and 201 of the Indian Penal Code.
3. Accused – Lalji Sahani was sent for trial for allegedly

committing murder of deceased – Motilal Sahu as he was suspecting that the deceased was having illicit relation with his wife.

4. In the absence of ocular version of the crime, the prosecution relied on circumstantial evidence to bring home the charges. The only circumstance pressed against the accused was that the deceased was strangled by means of shirt which belongs to the deceased but was gifted/donated to the accused few days back by PW-5 Vasudev Sen. The cloth was identified by the said PW-5 Vasudev Sen in course of investigation, however, in his deposition he has denied that the identification of Panchanama (Ex-P-6) was carried on in his presence.
5. No other evidence was led by the prosecution to prove the offence.
6. Considering the quality of evidence, the judgment rendered by the trial Court does not seem to be perverse on any count. No case for grant of leave to appeal against acquittal is made out.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge