

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 236 of 2020**

- State Of Chhattisgarh Through- Police Outpost Manikpur Police Station Korba, District- Korba Chhattisgarh.

---- Applicant**Versus**

- Sukesh Kenwat S/o Itwari Kenwat Aged About 20 Years Resident Of Sakin Amariyapara, Manikpur Police Station, Korba, District- Korba Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Avinash Choubey, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Order On Board

By

Prashant Kumar Mishra, J.

28/01/2020

1. On due consideration delay of 229 days occurred in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Section 302 of the I.P.C.
3. Accused has allegedly committed murder of his brother-in-

law (*Jija*), Rahul Dubey at about 11:15 P.M. on 31.03.2018.

4. PW-2 Santoshi and PW-3 Itwari were present in the house at the time of incident, however, they have not supported the case of prosecution at any stage of their examination. Similarly, witnesses to the memorandum statement and seizure of axe from the accused have also turned hostile.
5. The evidence adduced by the prosecution is not sufficient to establish the guilt of the accused, therefore, no case for grant of leave to appeal is made out.
6. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi