

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through - Police Station - Balco Nagar, District - Korba Chhattsgarh.

Versus

- Respondent

For Applicant-State :- Shri Rajendra Tripathi, PL

By

Prashant Kumar Mishra, J.

29/01/2020

1. On due consideration delay of 273 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 Sections 302, 201 of the I.P.C.
3. At about 11 P.M. on 09.06.2018, the accused assaulted the

deceased by means of rubber pipe having iron fittings at one end. Deceased went back to his house and died. The assault happened because the accused saw the deceased with his wife in a compromising position.

4. Almost all the material witnesses have turned hostile and have not supported the case of prosecution. Mobile belonging to the deceased was recovered from the accused but it is not proved that the said mobile belonged to the accused. Except for the suspicion that the deceased has extra marital affair with the wife of the accused, there is no conclusive evidence to prove that his murder was committed by the accused.
5. Considering the lack of evidence, we are not inclined to grant leave to appeal against acquittal.
6. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi