

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Police Station Batauli, District Surguja, Chhattisgarh.

Versus

- Respondent

For Applicant-State :- Shri R. Tripathi, PL

By

Prashant Kumar Mishra, J.

31/01/2020

1. On due consideration delay of 48 days occurred in filling 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 charge under Section 302 of the I.P.C.
3. The accused was sent for trial for committing murder of

brother – Mansingh between 7 to 9 P.M. on 05.09.2017. PW-3 Motilal, father of deceased and the appellant as well was a witness to the extra judicial confession made by the accused to him, however, this witness has turned hostile. PW-6 Manbo and PW-7 Laganram were the witnesses to the disclosure statement and consequent seizure of hammer from the accused, however, these witnesses have also turned hostile.

4. Considering lack of evidence against the accused, no case for grant of leave to appeal is made out.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi