

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 279 of 2020

- State Of Chhattisgarh Through Its Station House Officer,
Police Station Jaijaipur, District Janjgir Champa,
Chhattisgarh.

---- Applicant

Versus

- Videshi @ Khubu Sounra S/o Ghasiram Aged About 40
Years R/o Village Nandeli, Police Station Jaijaipur, District
Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Rajendra Tripathi, PL

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

By

Prashant Kumar Mishra, J.

31/01/2020

1. It is pointed that there is 21 days delay in filing the instant
Cr.M.P. On due consideration, delay is condoned.
2. The trial Court has acquitted the accused of the charges
under Sections 506B, 427, 458, 307, 342, 336, 429 of the
I.P.C. and under Sections 4, 5 of the Tonahi Pratadna

Nivaran Act, 2005.

3. Accused was sent for trial for criminally intimidating, abusing filthy language and committing mischief by fire after committing house trespass and restraining the victim in her house for attempting to commit her murder for the reason that the accused was suspecting that the victim was practicing witchcraft and has killed his son by engaging him in such practice.
4. There being no eye witness of the crime, case of prosecution was based on the sole testimony of the victim – Kirtan Bai, however, she was not examined in course of trial.
5. The trial Court has also found that the assessment of damage of the house and the property has not been proved due to non-examination of the victim.
6. Considering lack of evidence, particularly because of non-examination of victim – Kirtan Bai, we are not inclined to grant leave to appeal against acquittal.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge