

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 324 of 2020**

- The State Of Chhattisgarh Through- Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Applicant

Versus

1. Robinson Bhagat S/o Kariman Bhagat Aged About 24 Years R/o.- Tanginath Dandtoli, Police Station Dumari, District Gumla (Jharkhand), Presently R/o Village Karamtoli Sarhulnagar, Gumala Thana And District Gumala, Jharkhand.
2. Jamuna Ram S/o Somara Ram Aged About 27 Years Caste Uraon, R/o Bhudkela, Police Station Jashpur, District Jashpur, Chhattisgarh.

---- Respondents

For Applicant-State :- Mr. Ashish Gupta, PL

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

By**Prashant Kumar Mishra, J.****04/03/2020**

1. On due consideration, delay of 144 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01, application for condonation of delay in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused persons of the

charges under Sections 394, 397 of the I.P.C. and Sections 25 (1B) and 27 of the Arms Act, 1959.

3. Accused persons along with four other persons committed robbery and attempt to cause grievous hurt while armed with deadly weapon at about 10:30 am on 23.05.2013 in the premises of C.G. Gramin Bank, Gholeng District Jashpur. They looted ₹ 1,45,280/- and ran away on a motor cycle.
4. During investigation both the accused persons were put to identification and were identified by PW-8 Dhaneshwar, however, in his Court statement he would state that he only identified respondent No.2 Jamuna Ram and not Respondent No.1 Robinson. In last paragraph of his deposition he states that he could identify the respondents for the reason that the Police had already shown their photographs to him before the Test Identification Parade.
5. PW-9 Smt. Mariya Goreti Ekka was working as cashier at the time of occurrence. In paragraph 3 of her deposition she would state that she is not able to identify the accused as the person who committed bank robbery.
6. In course of investigation, country made revolver and one 12 bore country made *Bharmar* rifle were recovered from Jamuna Ram. The looted amount has not been recovered from any of the accused persons, however, the accused persons having not been identified as the persons who have

committed the crime, no case for grant of leave to appeal 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

Ayushi