

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 423 of 2020

1. State Of Chhattisgarh Through Police Station Rajpur, District-Balrampur Ramanujganj, Chhattisgarh

----- Petitioner

Versus

1. Smt. Urmila W/o Mangal Sai Aged About 20 Years R/o Village Karwan
2. Smt. Sarita @ Sukhmaniya W/o Ramsundar Aged About 30 Years R/o Village Tharki

Both are Police Station-Rajpur, District-Balrampur Ramanujganj, Chhattisgarh

----- Respondents

For Petitioner/State

Ms Madhunisha Singh, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, J.

Hon'ble Shri Gautam Chourdiya, J.

Order on Board

By

Prashant Kumar Mishra, J.

19-02-2020

I.A.No.1

1. This is an application for condonation of delay in filing the application.
2. For the reasons mentioned in the application, the delay of 172 days in filing the application is condoned.
3. Accordingly, I.A.No.1 stands disposed of.

4. Trial Court has acquitted the accused from the charge under Section 302 read with Section 34 of the Indian Penal Code.
5. Accused No.1 Smt. Urmila is the daughter-in-law (बहू) whereas Accused No.2 Smt. Sarita @ Sukhmaniya is the daughter (बेटी) of Bechni (since deceased). Deceased was assaulted by hand, fist and club by both the accused causing her death after about one month from the date of incident. The deceased was initially treated at District Hospital, Ambikapur for about 20 days and thereafter she was brought back and administered local (*desi*) treatment.
6. The prosecution case was based on the eyewitness account rendered by PW-1 Ramnath, however, when examined in Court this witness admits that he has not seen the incident. He also admits that the deceased used to consume liquor in huge quantity and she died because of illness and complication due to her over intoxication.
7. There is no other evidence against accused which may amount to such circumstantial evidence, which proves the guilt of the accused.
8. From the entire facts situation of the case and looking to the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.
9. In the result, the application (CRMP), *sans* merit, is liable to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Gowri