

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 429 of 2020

1. State Of Chhattisgarh Through Police Station Lemru, District Korba Chhattisgarh.

---- Petitioner

Versus

1. Ramlal Kanwar S/o Jhitku Singh Kanwar Aged About 30 Years R/o Village Badgao, Police Station Lemru, District Korba Chhattisgarh.

---- Respondent

For Petitioner/State

Shri Chitendra 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 52 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 Sections 302 & 201 of the Indian Penal Code.

5. The respondent/accused was sent for trial for committing murder of Janku Ram Kanwar (since deceased) between the period 28-11-2018 to 29-11-2018.
6. According to the prosecution, the deceased was having illicit relation with the wife of the accused, therefore, he committed the murder of the deceased and threw his dead body in the agricultural field.
7. Case of the prosecution was based on the statement of PW-11 Sushila Kanwar, who had seen the deceased in the company of the accused on the date of incident, however, this witness has turned hostile.
8. Recovery of clothes of the accused have been made, but there is no positive FSL report finding traces of blood over these articles. Thus, there is no evidence connecting the respondent/accused with the commission of murder of the deceased.
9. 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.
10. 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