

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 432 of 2020

- Applicant

1. Devprasad Nishad S/o Dindayal Nishad Aged About 23 Years
Resident Of Village Bhumka, Harrakot Para, Police Station
Bade, Dongar, District Kondagaon, Chhattisgarh.
2. Pankuram Sori S/o Gandaram Sori Aged About 19 Years
Resident Of Village Isalnaar, Police Station Kondagaon, District
Kondagaon, Chhattisgarh.
3. Bulkuram Netam S/o Dindayal Nishad Aged About 22 Years
Resident Of Village Hangwa Badepara, Police Station
Kondagaon, District Kondagaon
4. Ishwar Netam S/o Massuram Netam Aged About 25 Years
Resident Of Village Bhumka, Harrakot Para, Police Station
Bade Dongar, District Kondagaon, Chhattisgarh

---- Respondents

For Applicant-State :- Mr. Avinash Choubey, PL

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

By

Prashant Kumar Mishra, J

14/02/2020

1. On due consideration delay of 07 days in filing 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 persons of the charge under Section 302 read with Section 120-B of the I.P.C.
3. Accused persons were sent for trial on the allegation that accused No.1 – Devprasad Nishad hatched a conspiracy to commit murder of deceased – Hemsingh and in furtherance of said conspiracy he engaged the other accused persons to commit murder of the deceased and the said accused persons assaulted the deceased at about 08-10 a.m. on 02.09.2017 for which he died subsequently.
4. Case of the prosecution was based on circumstantial evidence in the nature of motive of commission of crime and memorandum statement of the accused and consequent seizure of blood stained articles.
5. PW-4 Hitesh Kumar Nag, son of the deceased, admits that deceased – Hemsingh was engaged in sorcery causing mental illness to the wife of Devprasad Nishad (accused No.1), therefore, Devprasad Nishad had a quarrel with his father about one year back, however, except for that, their relation was cordial.
6. PW-5 Pooransingh Nag, brother of the deceased and PW-6

Smt. Shyambati, wife of the deceased would state that they suspected Devprasad Nishad (accused No.1) only because villagers were saying that he was responsible for death of the deceased.

7. In the above state of evidence on record, the alleged motive is not proved to its entirety. Merely because human blood was found over the articles recovered from the accused without there being any proof of the fact that the blood belong to the same origin of the blood group of the deceased, the trial Court has rightly acquitted the accused persons. There is no evidence either to the hatching of conspiracy by the accused persons.

8. No case for grant of leave to appeal is made out.

9. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi