

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1656 of 2020

Vijay Sen S/o Ramayan Sen Aged About 29 Years R/o Village Parsatti,
Chowki Kareljadi, P. S. Magarlod, District Dhamtari Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station City
Kotwali, District Dhamtari Chhattisgarh

---- Respondent

For Applicant	:	Mrs. Aditi Singhvi, Advocate
For Respondent/State	:	Mr. Ravish Verma, G.A.

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/08/2020

Heard.

1. The applicant has been arrested in connection with Crime No.488 of 2019 registered at Police Station- City Kotwali, District Dhamtari (CG) for the alleged commission of offence under Section 302, 120-B read with Section 34 of IPC.
2. Case of the prosecution is that the deceased Deepak and co-accused Santoshi Sen had a dispute as Deepak was objecting to alleged illicit relation of Santoshi Sen with third person as Santoshi Sen was the stepmother of Deepak Sen. It is alleged that because of this dispute, with a motive to eliminate Deepak, Santoshi Sen took help of her father Radheshyam Sen, co-accused and Vijay and Yuvraj were hired to kill Deepak.
3. Learned counsel for the applicant would argue that Vijay the applicant has been arrested only on suspicion and except his memorandum, there is no other evidence collected by the prosecution to involve Vijay. It is further argued that contents of the memorandum do not constitute admissible evidence except for discovery of a fact. There is no identification of Vijay nor any incriminating article has been seized from

his possession. Santoshi Sen and her father Radheshyam Sen alleged conspirators have already been granted bail on 06.03.2020 passed in M.Cr.C. No.121 of 2020. Therefore, present is a case of no evidence but only suspicion.

4. On the other hand, learned State counsel would submit that in the memorandum of Santoshi Sen, another arrested accused, it has come that because of dispute between Deepak and Santoshi Sen, with the help of Radheshyam, Yuvraj and present applicant Vijay were hired to kill Deepak, who murdered Deepak. He would submit that the statement of one Ramgopal Sen has been recorded, who has stated that on 03.11.2019 when Deepak after closing the shop was going home, two boys had come, who were introduced as relatives and thereafter, Deepak was not found alive and next day, he was found in injured condition in the ground of college. He further submits that as in the memorandum of Santoshi, Vijay has been named, such an allegation constitutes prima facie material regarding involvement of Vijay. He would further submit that on the basis of memorandum of the applicant Vijay Sen, bloodstained clothes have been recovered which has been sent for FSL though report is still awaited.
5. Considering the submission of learned counsel for the parties, without commenting upon the merits of the present case, the application is rejected with liberty to revive after receipt of FSL report.

Sd/-
(Manindra Mohan Shrivastava)
Judge