

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Police Station Sanawal, District Balrampur Ramanujanj Chhattisgarh

Versus

- Respondents

For Applicant-State :- Ms. Fouzia Mirza, Addl. A.G.

By

Prashant Kumar Mishra, J.

1. On due consideration delay of 112 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 34 of the IPC.

3. Deceased – Kismatiya Bai was strangled to death in the intervening night of 26/27.02.2014. After about 4 years and 2 months the accused persons were taken in custody on or about 04.05.2018 and pursuant to the memorandum statement of accused – Ramnaresh Singh, towel (*gamchha*) used for the offence was recovered from his possession. The witnesses to the memorandum statement and seizure memo namely; PW-5 Lalbahadur Singh and PW-6 Ayodhya Thakur have turned hostile and have not supported the prosecution at any stage of their examination. Since there is no ocular evidence of the crime, the prosecution case was based solely on the memorandum statements of Ramnaresh Singh and Ramratan, however, these memorandum statements and consequent recovery have not been proved. Thus there is no evidence against the accused persons.
4. No case for grant of leave to appeal is made out.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi