

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 904 of 2020**

- State Of Chhattisgarh Through Police Station Jashpur, District Jashpur, Chhattisgarh

---- Applicant

Versus

- Sheikh Afjal S/o Sheikh Halim Aged About 20 Years R/o Sai Tangartoli Chowki Godam, Police Station Jashpurnagar, District Jashpur, Chhattisgarh

---- Respondent

For Applicant-State :- Mr. K.K. Singh, G.A.

Proceedings through Video Conferencing

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya

Order On Board
By

Prashant Kumar Mishra, J.

04/08/2020

1. On due consideration delay of 217 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, application for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Section 395 of the I.P.C. and Sections 25(1B) (a), 27 of the Arms Act, 1959.

3. The present respondent along with five other unknown persons entered the house of PW-3 Smt. Vidhyawati Singh at about 11 p.m. on 07.08.2017 and looted one mobile set and ₹ 25,000/-. In her diary statement (Ex-D2), PW-3 Smt. Vidhyawati Singh informed the Police that she could not identify the accused persons, however, in her Court statement she identified the accused without offering any explanation as to why she did not inform the Police about identification. Moreover, TI parade was not conducted by the Investigating Officer. PW-2 Jeetaram was the person who knocked at the door of the house of PW-3 Smt. Vidhyawati Singh after which the complainant opened the door but Jeetaram (PW-2) also fails to identify the accused. It is also to be seen that the mobile set recovered from the respondent vide Ex-P10, pursuant to his memorandum statement Ex-P9, was not sent for identification.
4. Considering lack of evidence to establish involvement of the respondent in commission of dacoity, the present is not a fit case for grant of leave to appeal.
5. Accordingly, the present Cr.M.P. deserves to be and is hereby dismissed.

SD/-

(Prashant Kumar Mishra)
Judge

SD/-

(Gautam Chourdiya)
Judge