

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through- Station House Officer, Police Station Sanna, District- Jashpur, Chhattisgarh.

Versus

- Respondent

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

Prashant Kumar Mishra, J.

1. On due consideration delay of 125 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2018, for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Section 302 of the I.P.C.
3. Accused was sent for trial for committing murder of his wife

Balmati. Initially, the accused himself lodged report against one Dubung, however, during investigation several witnesses informed the Police that it was the accused who has committed the offence. Case of the prosecution was based on evidence of PW-4 Bifana Ram and PW-9 Bajru who were produced as eye-witnesses. PW-8 Somra Ram was produced as witness of extra judicial confession. However, these three witnesses have not supported the prosecution. In the FSL report it was not found that shirt recovered from the accused was blood stained.

4. There being lack of evidence against the accused, 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