

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2763 of 2019

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

---- Petitioner

Versus

1. Jamuna Ram S/o Somra Ram Aged About 27 Years R/o Village Bhudkela, Police Station Jashpur, District- Jashpur, Chhattisgarh
2. Robinson Bhagat @ Tufani Baba S/o Kariman Bhagat Aged About 24 Years Caste Uraon, R/o Village Tanginath Dandtoli, Police Station Dumari, District- Gumla (Jharkhand)

---- Respondent

For Petitioner/State Ms. Madhunisha Singh, Panel Lawyer

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya**

Order On Board by Prashant Kumar Mishra, J.

6/1/2020

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Sections 394 and 397 of IPC and Sections 25(1B)A and 27 of the Arms Act.

5. Three unknown persons committed robbery at the Gholeng Branch of Chhattisgarh Gramin Bank at 12:30 noon on 21.4.2014. In the said robbery committed by three persons, an amount of Rs.1,16,560/- was looted from the cash counter. As the robbers were not known to the Manager and employees of the Bank, they were not named in the FIR. Accused Robinson was identified by PW-1 Dhaneshwar Sai during the TI parade, however, in his cross-examination, he admitted that he could identify accused Robinson because he was shown by the Police before the TI parade.
6. In view of the clear admission by PW-1 Dhaneshwar Sai, the identification of accused Robinson loses its evidentiary value. In the absence of identification of the accused, the trial Court has rightly acquitted the accused persons.
7. No case for grant of leave to appeal is made out.
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Shyna