

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through- Police Station Pamgarh, District Janjgir-Champa Chhattisgarh

Versus

1. Gendram Yadav S/o Late Shri Santu Yadav Aged About 40 Years Resident Of Village Rasouta, Police Station Pamgarh, District- Janjgir-Champa Chhattisgarh
2. Amrika Bai W/o Gendram Yadav Aged About 38 Years Resident Of Village Rasouta, Police Station Pamgarh, District- Janjgir-Champa Chhattisgarh

---- Respondents

For Applicant-State :- Mr. Avinash Choubey, PL

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

By

Prashant Kumar Mishra, J.

16/03/2020

1. On due consideration delay of 327 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, for condonation of delay in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused persons of the charges under Sections 302, 201 read with Section 34 of the

I.P.C.

3. Deceased – Nisha Yadav aged about 6 years suffered homicidal death on 13.11.2017. Accused No.1 namely; Gendram Yadav is her uncle whereas accused No.2 Amrika Bai is aunt (*Badi Ma*) of the deceased. PW-8 Ajay Yadav, brother of the deceased informed the Police that Gendram Yadav committed murder by pushing the deceased on the ground and thereafter assaulting her by kicks and in the process she was drowned in the muddy water. This witness has turned hostile and has not supported the prosecution. Other evidence against the accused was that one sleeper of accused No.1 Gendram Yadav was found near the dead body and the other sleeper was recovered from him. PW-4 Girdhari Lal and PW-10 Lakshman Prasad Ogre were witnesses to the recovery of sleeper, however, they have also turned hostile.
4. In the absence of ocular evidence against accused persons and the circumstantial evidence having not been proved, 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