

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.91 of 2020

- State Of Chhattisgarh Through Police Station Mohla District Rajnandgaon Chhattisgarh

---- Applicant

Versus

1. Chandu @ Barik Rao Hichame, S/o Dalsu Hichame, Aged About 22 Years, R/o Malengatta, P. S. Jarawandi, District Gadhchiroli, Maharashtra
2. Durgesh @ Dallu, S/o Budhu Vatti, Aged About 28 Years, R/o Ramantola, P. S. and Tahsil Etapalli, District Gadhchiroli, Maharashtra
3. Lokesh Potam, S/o Potam Pandu, R/o Savnar, P. S. Gangalur, District Bijapur, Chhattisgarh

---- Respondents

For Applicant

Shri Pawan Kesharwani, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Shri Prashant Kumar Mishra J.

15/01/2020

1. The Trial Court has acquitted the accused of the charges under Sections 307/34 of IPC and Sections 25 & 27 of the Arms Act.
2. The informant is a constable who was on duty to maintain law and order situation during *Kalash Yatra* on 18.03.2018. The SHO of Police Station Mohla sent the complainant to Chhuriya Temple for managing the crowd. While he was going towards the temple, he saw two persons sitting over the culvert. The informant went to attend nature's call and heard two rounds of pistol gun fire

when he was returning after attending the nature's call. Although he did not sustain any injury but the gun shot fire was aimed at him, therefore, he lodged an FIR against unknown persons.

3. Admittedly, the gait of unknown accused was not mentioned in the FIR. It only mentions the description of the clothes worn by them. When the accused was arrested by Maharashtra Police in connection with some other offence, he gave his memorandum statement of his involvement in the present offence also, therefore, he was arrested and brought to Police Station Mohla.
4. In the investigation of the present crime, the accused, against whom judgment has been rendered, was not sent for TI parade. He was identified by PW-1 Sundarlal Netam in the police station. Thus, there is no proper identification of the accused.
5. Having seen the evidence, we are satisfied that the prosecution has not established the identity of the accused, therefore, the present is not a fit case for grant of leave to appeal.
6. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge