

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through The Police Station Bango, District - Korba Chhattisgarh.

Versus

- Respondents

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

Prashant Kumar Mishra, J.

1. On due consideration delay of 148 days occurred in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, for condonation of delay is allowed.

2. The trial Court has acquitted the accused persons of the

charges under Section 302/34 of the I.P.C.

3. As per prosecution case, PW-1 Naresh Yadav, accused No.1 namely; Itwar Manjhwari and accused No.2 namely; Sufal Pando were going on foot at about 9 P.M. on the date of incident. At that time deceased- Jageshwar, PW-3 Deepak Kumar and PW-2 Kaushal Prasad came from behind on a motor cycle and dashed against them. The accused persons assaulted the deceased- Jageshwar by club which was witnessed by Deepak Kumar (PW-3).
4. PW-3 Deepak Kumar has turned hostile. Similarly, PW-1 Naresh Yadav who was moving on foot along with the accused persons has also turned hostile. PW-2 Kaushal Prasad who was on motor cycle with deceased Jageshwar and PW-3 Deepak Kumar have also turned hostile. Thus, there is no evidence against the accused persons. 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