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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 186 of 2020**

- State Of Chhattisgarh Through Station House Officer, Police Station Kameshwarpur, District Surguja Chhattisgarh.

---- Applicant

Versus

- Suraj Minj S/o Piyar Sai Minj Aged About 20 Years Occupation Mobile Mistri, Resident Of Village Asgawan, Police Station Kamleshwarpur, District Surguja Chhattisgarh.

---- Respondent

For Applicant-State :- Mr. Rajendra Tripathi, PL

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

By**Prashant Kumar Mishra, J.****11/02/2020**

1. On due consideration delay of 43 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2020 is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 302 and 201 of the I.P.C.
3. Accused had a love affair with deceased – Fulkumari. At about 9 a.m. on 11.08.2018, deceased left her house for village Darima but she did not return, therefore, report of missing person was lodged by her

father, PW-4 Lal Sai Tirkey after 2-3 days. On 16.08.2018 father of the deceased, PW-4 Lal Sai Tirkey received information that dead body of a girl has been found in the Machli river at village Asgawan Mainpat. PW-4 Lal Sai Tirkey and his son PW-8 Anil Tirkey went to the spot and found that dead body was of the deceased – Fulkumari. They raised suspicion on the accused for the reason that the deceased had a love affair with him.

4. In course of investigation, the Investigating Officer recovered clothes of the deceased and one stone on which B group blood was found. However, in his memorandum statement the accused did not inform the Police that he can get recovered the stone which was used for assaulting the deceased. Similarly, in his memorandum statement he informed the Police that he can get recovered his own clothes but the same were not recovered.
5. The only circumstance against the accused was that according to PW-4 Lal Sai Tirkey and PW-8 Anil Tirkey when they went to the house of the accused for searching the deceased, he ran away. Although, such statement is made in their deposition but in their diary statements this fact is missing. Thus, this circumstance was revealed for the first time in the Court.
6. Considering lack of evidence, we are not inclined to grant leave to appeal against acquittal.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge