

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.190 of 2020

- The State Of Chhattisgarh Through Police Station Bagicha, District Jashpur, Chhattisgarh

---- Applicant

Versus

1. Ajay Ram Nagesh, S/o Late Pusa Ram, Aged About 23 Years, R/o Ward No.3, Dumartoli, Police Station Bagicha, District Jashpur, Chhattisgarh
2. Anil Ram Nagesh, S/o Late Pusa Ram, Aged About 28 Years, R/o Ward No.3, Dumartoli, Police Station- Bagicha, District Jashpur, Chhattisgarh

---- Respondents

For Applicant

Shri Ashish Gupta, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board By Shri Prashant Kumar Mishra J.

16/03/2020

1. On due consideration, delay of 323 days in filing the CRMP is condoned. Accordingly, IA No.1/2020 is allowed.
2. The Trial Court has acquitted the accused respondent No.1 of the charges under Sections 302/34 & 201/34 of IPC and the accused respondent No.2 of the charges under Section 201/34 of IPC.
3. The respondents/accused are the sons of deceased Pusaram, who was murdered at about 19:30 hours on 07.11.2017. After committing murder, the dead body was buried on the bank of Dodki River. Upon a rumour in the village that someone has been

murdered, the Police started investigation and exhumed the dead body. The accused made extra judicial confession before the villagers namely PW-10 Mohar Lal, PW-5 Gurbari Bai, PW-8 Rendi Bai and PW-12 Soniya Bai, however, these four witnesses have turned hostile and have not supported the case of prosecution. PW-7 Sukhram Das and PW-11 Vishwanath Yadav are the witnesses to the memorandum statement (Ex-P-13 & PW-15) and the consequent seizure of spade and bahinga vide Ex-P-14 and axe vide Ex-P-16, however, these two witnesses have also turned hostile. Even though the deceased has died homicidal death and the FSL report is positive, none of the witnesses examined by the prosecution are supporting the prosecution case, therefore, there is no good ground for granting leave to appeal.

4. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala