

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 151 of 2020**

- The State Of Chhattisgarh Through - Police Station Civil Lines,
District - Bilaspur Chhattisgarh.

---- Applicant

Versus

- Sandeep Gadewal S/o Ghanshyam Gadewal, Aged About 23 Years
R/o Rajiv Gandhi Chowk, Jarhabhata, Police Station - Civil Lines,
District - Bilaspur Chhattisgarh.

---- Respondent

For Applicant-State :- Mr. K.K. Singh, G.A.

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

By**Prashant Kumar Mishra, J.****02/03/2020**

1. On due consideration, delay of 65 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01, application for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charge under Section 302 of the I.P.C.
3. The accused was sent for trial for committing murder of deceased – Shakuntala Ande at about 7-7:30 PM on 09.04.2017 at Talapara,

Bilaspur. Accused was in affair with the deceased's daughter – Radhika (PW-7) which was objected by the deceased, therefore, on the date of incident, the accused went to her house and finding that Radhika is not available in the house, he was involved in altercations with the deceased after which he committed her murder by assaulting her over her head by means of iron rod.

4. Case of the prosecution was based on circumstantial evidence, however, there is no witness of last seen together or extra judicial confession. PW-7 Radhika was not available in the house as she had gone to attend her office and thereafter went to Rajkishore Nagar from where she returned at about 8:30 PM. PW-13 Aisha Parveen, friend of Radhika was presented as a witness of last seen together, however, she has turned hostile by stating that on the date of incident, she was not present in the Bilaspur town. On accused's memorandum, iron rod was recovered and sent for FSL examination, however, the memorandum statement and consequence seizure has not been supported by independent witness PW-4 Sameem Nijami. Human blood was found on the iron rod but the report of Serologist is negative.
5. Considering lack of evidence against the accused, we are not inclined to grant leave to appeal.
6. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge