

(2020) 03 CHH CK 0094

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 650 Of 2020

State Of Chhattisgarh

APPELLANT

Vs

Ramratan Khairwar And Ors

RESPONDENT

Date of Decision : 13-03-2020

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302

Citation : (2020) 03 CHH CK 0094

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : Fouzia Mirza

Final Decision : Dismissed

Judgement

@JUDGMENT-JUDGMENT

Prashant Kumar Mishra, J

1. On due consideration delay of 112 days 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 CRMP No. 650 of 2020 charge under Section 302 read with Section 34 of the IPC.
3. Deceased - Kismatiya Bai was strangulated to death in the intervening night of 26/27.02.2014. After about 4 years and 2 months the accused persons were taken in custody on or about 04.05.2018 and pursuant to the memorandum statement of accused - Ramnaresh Singh, towel (gamchha) used for the offence was recovered from his possession. The witnesses to the memorandum statement and seizure memo namely; PW-5 Lalbahadur Singh and PW-6 Ayodhya Thakur have turned hostile and have not supported the prosecution at any stage of their examination. Since there is no ocular evidence of the crime, the prosecution case was based solely on the memorandum statements of Ramnaresh Singh and Ramratan, however, these memorandum statements and

consequent recovery have not been proved. Thus there is no evidence against the accused persons.

4. No case for grant of leave to appeal is made out.

5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.