
(2019) 07 CHH CK 0172

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 214 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Shrawan Das Manikpuri Vs

RESPONDENT

Date of Decision : 29-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 182, 201, 203, 302, 397

Citation : (2019) 07 CHH CK 0172

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

Bench : Division Bench

Advocate : S.K. Mishra

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard on I.A. No.1, application for condonation of delay in filing the application seeking leave to appeal.
2. On due consideration, delay of 60 days in filing the Cr.M.P. is condoned. Accordingly, I. A. No.1 stands allowed.
3. The trial Court has acquitted the accused of the charges under Sections 397, 302, 201, 182 and 203 of Indian Penal Code (IPC).
4. The accused was sent for trial for committing murder of deceased-Kartik Das Manikpuri in the evening of 14.04.2016. At that time, Kartik Das Manikpuri was alone in the house as his wife-Tara Bai had gone to attend marriage celebration in some other village. The accused himself lodged the FIR stating that when he reached the house at about 8:30 pm and saw the doors close he called his maternal uncle but there was no response from other side, thereafter, he switched on mobile torch and witnessed that the deceased is lying dead having injuries over his head. Case of the prosecution rested on circumstantial evidence, however, the prosecution has not come out with allegation of last seen together

nor there is any strong motive for the accused to commit murder of the deceased. One knife was recovered from the accused but PW- 10, Dr. Ravindra Kumar Verma, has found that injuries sustained by the deceased were caused by several weapons.

5. Considering the nature and quality of evidence available, the present does not appear to be a fit case for grant of leave to appeal, accordingly, Cr.M.P. is dismissed.