

(2019) 09 CHH CK 0140

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 2131 Of 2019

State Of Chhattisgarh Through Station House Officer

APPELLANT

Vs

Jhamesh

RESPONDENT

Date of Decision : 23-09-2019

Acts Referred:

Indian Penal Code, 1860 — Section 307
Arms Act, 1959 — Section 25(1)(1ख)(ख)

Citation : (2019) 09 CHH CK 0140

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

Bench : Division Bench

Advocate : Pawan Kesharwani

Final Decision : Dismissed

Judgement

Prashant Kumar Mishta, J

1. On due consideration delay of 467 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges CRMP No. 2131 of 2019 under Sections 307 of I.P.C. and Section 25(1)(1-)() of the Arms Act, 1959.
3. The accused allegedly caused injuries to the victim PW-1 Mohan Kumar by means of Chura, however, the victim has turned hostile and has not supported the case of prosecution.
4. PW-5 Ashok Kumar has projected in the examination-in-chief, as if he has seen the incident, however, in paragraph 5 of his cross-examination, he admits that when he reached the place of occurrence, the

victim was already fallen on the ground and the accused was not present. He also says that he could not tell as to the reason for sustaining injuries by the victim, his brother-in-law (Jija).

5. Considering the nature and quality of evidence on record and particularly for the reason that the victim himself has turned hostile and would not make any allegation against the accused, we are not inclined to grant leave to appeal against acquittal.

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