

HC acquits 3 in murder case, says eyewitnesses not reliable

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Raipur: The Chhattisgarh high court acquitted three men who were convicted in a murder case by a lower court, observing that the testimony of the eyewitnesses was unreliable. The bench of Justices Rajani Dubey and Amitendra Kishore Prasad on Sept 1 set aside the conviction and sentence awarded by a sessions court. The court observed, "Where the conduct of eyewitnesses is doubtful and they are not trustworthy, they cannot be relied upon for conviction as the court does not inspire confidence in relying on their version."

The HC allowed two criminal appeals filed by the accused against the judgment of the Sessions Judge, Baikunthpur, District Koriya, who sentenced them to life imprisonment under Sections 302 & 120-B of IPC & seven years of rigorous imprisonment under Section 201.

The prosecution's case stated that on March 2, 2015, a woman went missing from her village in Amarpur, Koriya district. Her body was found on March 7, 2015, in a pit on Ghutri Hill after a dog was seen barking continuously near the spot. The body



was partially buried and partially eaten by animals. A post-mortem examination determined the cause of death was asphyxia due to strangulation.

It was alleged that after consuming liquor, the deceased woman returned home in the afternoon on March 2, 2015. At about 6:00 p.m. on the same day, the deceased's brother-in-law, Ramdevan Singh, informed that the deceased had left the house stating that she was going to search for liquor and that she would return shortly to take her meal, but she did not return home till late in the night.

Thereafter, her family members made inquiries in the neighbourhood and among relatives, but the deceased could not be traced.

During the investigation, the police arrested the three appellants. The prosecution relied on the statements of two eyewitnesses, Amar

Singh and Raghuveer, who claimed to have seen the accused carrying away the deceased after strangling her.

The HC, in its judgment, noted that the eyewitnesses' silence for seven days after the incident cast serious doubt on their credibility. Both witnesses admitted in their cross-examination that despite being present at the inquest, post-mortem, and funeral proceedings, they did not reveal the accused's involvement to the police or the deceased's family.

The court stated that such an unnatural and prolonged silence indicated that the witnesses were "got-up" or "planted" to strengthen a weak prosecution case.

The bench also pointed out that the initial FIR and other documents did not mention the names of the accused and were registered against unknown persons, further highlighting the lack of immediate suspicion against them.

The court's decision allows the appellants to be released from custody. The HC has instructed the appellants to furnish a personal bond of Rs 25,000 each to the trial court as a requirement under Section 437-A of Criminal Procedure Code.