

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P.No. 232 of 2015

State of Chhattisgarh **Vs.** Devkumar Suryawanshi & Anr.

06/10/2015	Smt. Shobha Kashyap, Dy. GA for the applicant/appellant. Heard on I.A.No.2/2015 for condonation of delay occurred in depositing the process fee. On due consideration, same is allowed. Heard on I.A.No.1/2015 for condonation of delay in filing the Acquittal Appeal and instant Cr.M.P. as it is barred by 36 days of its limitation. For the reasons mentioned in I.A.No.1/2015, same is allowed. Delay of 36 days in filing the instant Cr.M.P. followed by Acquittal Appeal is condoned. Also heard on instant Cr.M.P. followed by Acquittal Appeal for leave to appeal as the Sessions Judge, Durg District Durg (CG) vide judgment dated 5.11.2014 passed in S.T.No.35/2014 acquitted both the Respondents of the charges under Sections 498A and 306 IPC by providing benefit of doubt. For the purposes of leave to appeal, perused the impugned judgment, evidence and charge sheet submitted before the trial Court.	

	In the considered view of this Court, this is a fit case where leave to appeal be granted. Consequently, the instant Cr.M.P. is allowed and leave to appeal is granted. Registry is directed to register the matter under the head 'Acquittal Appeal'. Issue notice to the respondents through usual and registered mode along with copy of Acquittal Appeal and other annexed documents, returnable within 4 weeks for hearing on admission. Record is available. List the matter immediately after service is complete on the respondents. Sd/ (Chandra Bhushan Bajpai) Judge	