

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P. No.300 of 2015

The State of Chhattisgarh **Verses** Smt. Amrikabai & Ors.

		Registry
18.9.2015	Smt. Shobha Kashyap, Dy. GA for the State/appellant. Heard on IA No.01, application under Section 5 of the Limitation Act for condonation of delay occurred in filing of the appeal. The instant Cr.M.P followed by acquittal appeal preferred after 178 days of its limitation is against the judgment passed by the Sessions Judge, Bemetara in Criminal Appeal No.64/12 whereby and whereunder all the respondents were acquitted of the charges under Section 325/34 of the IPC by setting aside the judgment of conviction and order of sentence passed by the Judicial Magistrate First Class, Bemetara in Criminal Case No.399/12 whereby and whereunder the learned JMFC vide judgment dated 18.9.12, convicted the respondents for the offence under Section 325/34 of the IPC and sentenced accordingly. On due consideration of the reasons mentioned in the application (IA No.01/15), the same is allowed. Delay of 178 days for filing the instant Cr.M.P. followed by the acquittal appeal is hereby condoned. Also heard on leave to appeal against the appellate order of acquittal passed by Sessions Judge Bemetara. Learned counsel for the applicant submits that the instant Cr.M.P. followed by the acquittal appeal is maintainable under Section 378(1)(b) of Cr.P.C. whereby the appeal against the appellate order to an acquittal order is maintainable. On due consideration, it is held that the instant Cr.M.P. is maintainable under Section 378(1)(b) of the Cr.P.C. as the law permits the State to direct the Public Prosecutor to present the	

	appeal to the High Court from appellate order of acquittal passed by any court other than the High Court. Hence, the instant Cr.M.P. is maintainable by the provisions of law. Heard on instant Cr.M.P. for leave to appeal as per Section 378(3) of the Cr.P.C. For the purpose of leave to appeal, judgment of acquittal passed by the Court below, statement of the witnesses adduced before the trial court, copy of the charge sheet and other material perused. In the considered view of this Court, this is a fit case where leave to appeal against the order of the acquittal passed by the appellate Court be granted. Consequently, instant Cr.M.P. is allowed. Leave to appeal is granted. The appellants are directed to pay PF within seven days from now for the issuance of notice to the respondents for the purpose of their representation in the matter, through ordinary and registered mode, returnable within four weeks. Registry is directed to list the matter under the heading of acquittal appeal. Records of the Courts below be requisitioned through usual and fax mode. List this matter for hearing on admission immediately after the notice to the respondents are complete and receipt of the records. Sd/- (Chandra Bhushan Bajpai) Judge	
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