

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr. M.P.No. 342 of 2015

Smt. Ram Kali Bai Sahu And Anr. **Versus** Lakhan Sahu And Ors.

20/07/2015	Shri Ashok Verma and Shri Gajendra Sahu, Advocates for the Petitioners. Ms. Shobha Kashyap, Dy. Government Advocate for the State. A communication vide Memo No. 290 dated 13.5.2015 has been received from the District & Sessions Judge, Baloda Bazar (C.G.). As per the communication, record of Criminal Complaint Case No. 647/2002 (Smt. Ramkali & Anr. Vs. Lakhan Sahu & 5 Ors.) under Sections 294, 452, 323, 506 (Part II) IPC, judgment dated 3.3.2006 passed by the Judicial Magistrate First Class, Baloda Bazar, is destroyed on 16.5.2012. The report of the Record Keeper, Record Section, Office of the District & Sessions Judge, Raipur, vide report dated 4.7.2013 informed regarding destruction of the above mentioned record of Criminal Complaint Case. Record of Criminal Revision No. 31/2013 (Smt. Ramkali Bai & Anr. Vs. Lakhan Sahu & 5 Ors.) Court of First Additional Sessions Judge, Baloda Bazar, order dated 3.3.2015 whereby and whereunder the Revisional Court held that as per settled provisions of law under Section 378, sub-Section 4 of the Code of Criminal Procedure, 1973 (for short the Code), the Revisioners are required to prefer an appeal against acquittal after obtaining Special Leave to Appeal. The Revisional Court dismissed the revision filed by the Complainants/	

Revisioners.

Heard on I.A.No.1/2015, application for exemption from filing certified copies of the impugned judgment of Trial Court, copy of complaint and depositions.

As per the communication, since the record of the Trial Court is already destroyed on 16.5.2012, the Petitioners are not in a position to apply for certified copies of the same and file along with the instant Cr.M.P. followed by Acquittal Appeal.

On due consideration, I.A.No.1/2015 is hereby allowed.

The Petitioners/Appellants are exempted from filing certified copies of the impugned judgment of Trial Court, copies of complaint and depositions.

Heard on instant Cr.M.P. followed by Acquittal Appeal whereby and whereunder the Petitioners/Appellants had challenged the judgment passed by the Trial Court on 3.3.2006 in Complaint Case No. 647/2002.

Certified copies of the judgment and depositions were filed and present in the record of Revisional Court. The same is perused for the purposes of grant of Leave to Appeal.

In the considered view of this Court, this is a fit case where Leave to Appeal be granted. Hence, instant Cr. M.P. is allowed.

Registry is directed to register the case under the heading "Acquittal Appeal".

The office has reported that the instant Acquittal Appeal is preferred within time.

On the other hand, the Appellants filed an application for condonation of delay as the Trial Court judgment passed on 3.3.2006. Thereafter, a Criminal Revision preferred against the judgment of acquittal on 3.4.2006 and the Revisional Court passed the final order on 3.3.2015. After the said order, complainants/ revisioners/ petitioners/ appellants preferred this Cr.M.P. followed by Acquittal Appeal. These facts show regarding delay and its appreciation before admitting the Acquittal

sunita	Appeal at the Motion stage. The Appellants are directed to pay process fee within 7 days from today for notice by registered and ordinary process, returnable within four weeks. Let notice be issued to Respondents 1 to 6 for their representation before this Court. List the matter for hearing on I.A.No.2/2015 for condonation of delay as also on admission after completion of service. (Chandra Bhushan Bajpai) Judge	