

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 501 of 2015

The State of Chhattisgarh through District Magistrate, Korea, Chhattisgarh.

---- Appellant

Versus

Geraram Kujur, s/o late Manohar Kujur aged about 55 years, r/o C. Sim Colony, Khongapani, P.S. Jhagrakhand district Korea, Chhattisgarh.

---- Respondent

For Appellant/State : Shri B. Gopa Kumar, Deputy Advocate General.

HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE & HON'BLE SHRI P. SAM KOSHY, J.

Order On Board

Per NAVIN SINHA, C.J.

01/07/2015

1. Heard Learned Counsel for the State on I.A. No. 1 for condonation of delay in filing the appeal against acquittal barred by 368 days.

2. We have considered the submissions on delay. The plea of routine official delay in movement of files leaves us totally unimpressed. The delay is inordinately wrong and unexplained. The Respondent has been acquitted. An order of acquittal is not to be lightly interfered with unless there has been grave miscarriage of justice. The judgment reveals proper appreciation of evidence, the fact that the prosecutrix was about 50 years of age and the Respondent approximately 55 years. The Trial Court on appreciation

of evidence has come to the conclusion that the evidence led by the prosecution was highly improbable raising more doubts than it answered with regard to the allegations. The submission on behalf of the Appellant that alibi was a weak defence, merits no consideration as acquittal has not been ordered on that ground.

3. We find no reason to condone delay. The appeal is dismissed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE