

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

CRMP No. 722 of 2015

The State Of Chhattisgarh Through District Magistrate Korba
Chhattisgarh.

---- Appellants

Versus

- 1. Manuwar Khan S/O Naimul Haq Khan Aged About 26 Years
 - 2. Jahir Khan S/O Naimul Haq Khan Aged About 37 Years
- Both R/O Premnagar, Kusmunda, District Korba Chhattisgarh.

---- Respondents

15-9-2015	Ms. Shobha Kashyap, Dy. G.A. for the applicant. As per note of the Registry, to remove the default No. 2 counsel has filed memo of submission annexing relevant exhibited documents along with typed copy of the same on 25-8-2015. For removing the default No. 1, the applicant has filed on 15-9-2015 I.A. N. 1/15 application for condonation of delay in filing the CRMP. As regards default No. 3, the applicant's counsel prays for and is granted permission to singe the prayer clause of leave to appeal during the course of hearing. Learned counsel put her signature and removed the default. Heard on I.A. No. 1/15 for condonation of delay in filing the CRMP followed by acquittal appeal as the same is preferred after 118 days of its limitation. On due consideration, for the reasons mentioned in the I.A. No. 1/15, same is allowed. Delay is condoned. Heard on Cr.M.P. under sub-section (3) of Section 378 of	

	the Cr.P.C. against the judgment dated 16-10-2014 passed by the Judicial Magistrate First Class, Korba in Criminal Case No. 310/2013 whereby and whereunder learned trial Court acquitted both the respondents from the charges framed against them as the case is not proved against them beyond all probable doubt. For the purpose of leave to appeal, copy of judgment, statements of witnesses and the charge sheet before the trial Court are perused. In the considered opinion of this Court, this is a fit case where leave to appeal may be granted. Consequently, instant Cr.M.P. is allowed. Registry is directed to register the acquittal appeal. Heard on acquittal appeal. On appellant's paying process fee within 7 days from today, notice be issued to the respondents through registered post and usual mode returnable within 4 weeks for their representation in the matter. Record of the trial Court be also requisitioned through usual and fax mode. List the matter for further hearing immediately after service report is received and record is available. Cr.M.P. allowed. Sd/- Chandra Bhushan Bajpai Judge.	
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