

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr.M.P. No. 867 of 2015

State of Chhattisgarh **Versus** Uttam Vyapari

29/09/2015	Smt. Sobha Kashyap, Deputy Government Advocate for the Applicant/ Appellant. Heard. The matter is listed for orders on default. On due consideration, the default pointed out by the Registry is hereby overruled. Heard on I.A. No. 1 of 2015, an application under Section 5 of the Limitation Act for condonation of delay in filing the Cr.M.P. The instant Cr.M.P. has been preferred after 8 days of its limitation. On due consideration, I.A. No. 1 of 2015 is allowed and the delay of 8 days in filing the Cr.M.P. followed by acquittal appeal is hereby condoned. Heard on Cr.M.P. followed by acquittal appeal for grant of leave to appeal against the judgment passed by the Additional Sessions Judge (FTC), North Bastar, Kanker, Chhattisgarh vide judgment dated 30.5.2015 in S.T. No. 93 of 2013 acquitting the Respondent for the offence under Sections 498-A and 306 of the Indian Penal Code (for short 'the IPC') for committing cruelty and abetting suicide of his daughter-in-law within seven years of her marriage. Perused the judgment passed by the trial Court alongwith the evidence adduced and the copy of the	

charge-sheet submitted before the trial Court.

On due consideration, this is a fit case where the leave to appeal should be granted.

Consequently, the instant Cr.M.P. is allowed. Registry is directed to list the matter under the heading of acquittal appeal.

Lower Court record be called for through usual and fax mode.

The Appellant is directed to pay process fee within seven days from today. Let notice be issued to the Respondent regarding his representation before this Court through usual and registered mode alongwith copy of memo of appeal and other annexed documents, returnable within four weeks.

Registry is directed to list the matter for hearing on admission immediately after the service of notice on the Respondent is complete and after receipt of record.

Sd/-

(Chandra Bhushan Bajpai)
Judge