

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 112 of 2016

1. State Of Chhattisgarh Through Station House Officer, Police Station Durgukondal, District North Bastar Kanker, Chhattisgarh.

---- Petitioner

Versus

1. Piyush Bhai Majethia S/o Shri Mansukhan Bhai Majethia Aged About 28 Years
2. Prakash Bhai Majethia S/o Shri Mansukhan Bhai Majethia Aged About 38 Years

Both R/o Village Sawarkundla, District Amreli, Presently R/o Suvidha Apartment House No. A-104, Bhola Nagar, Police Station Barcha, District Surat (Gujrat).

3. Ganesh @ Ajay Sharma S/o Late Deoraj Sharma Aged About 23 Years R/o Balthankhurd, Police Station Jaatusana, District Rewadi (Haryana).

---- Respondent

For Petitioner/State Shri Arun Sao, Dy. Adv. General

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Chandra Bhushan Bajpai**

Order On Board

23/06/2016

1. I.A.No.1, an application for condonation of delay. This application seeking leave to appeal is barred by 5 days.
2. On due consideration and being satisfied with the *bona fides* and the explanation offered for condonation of delay, I.A.No.1

is allowed and the delay of 5 days in filing the leave to appeal is condoned.

3. Heard learned counsel for the State on the application for grant of leave.
4. Considering the nature of evidence available on record, particularly the statement of the prosecutrix (PW-1) and her father Netaram (PW-6), it appears that the leave to appeal deserves to be granted.
5. Accordingly, Cr.M.P. No.112 of 2016 is allowed.
6. Registry is directed to register the regular acquittal appeal. Thereafter, issue notice of the same to the respondents on payment of process fee, as per rules.
7. The respondents being the residents of out of Chhattisgarh State, it is made clear that in the event they avoid acceptance of notice this Court shall be compelled to take coercive steps under Section 390 of the Cr.P.C. to secure their presence.

Sd/-

sd/-

Judge

Judge

Prashant Kumar Mishra

Chandra Bhushan Bajpai

Gowri