

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 673 of 2016

- State Of Chhattisgarh Through The Incharge, Police Station
Lalbag, District - Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. Leeladhar Sahu S/o Nammu Ram Aged 22 Years R/o Village
Mokhli, Police Station Lalbag, District - Rajnandgaon
Chhattisgarh
2. Parvati Sahu W/o Nammu Ram Aged 55 Years R/o Village Mokhli,
Police Station Lalbag, District - Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner

Mr. Vivek Sharma, Government Advocate

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

Order On Board

11/8/2016

1. Heard on IA No.01, an application for condonation of delay in
filing CRMP.
2. This CRMP seeking leave to appeal is barred by 11 days.
3. After hearing learned counsel for the State, we are satisfied
that the delay has been properly explained. Therefore, the delay
deserves to be condoned.

4. Accordingly, IA No.01 is allowed and the delay is condoned.
5. Also heard learned State Counsel on the question of grant of leave to appeal.
6. The trial Court has acquitted the respondents of the charges under Sections 498-A, 304-B and 302/34 of IPC despite the fact that the death has occurred within 07 months of marriage and the Dying Declaration Ex.P/6 has been recorded by PW-4 Shri N.K. Khande, Executive Magistrate, within 04 hours of the incident. There are other evidence also to the effect that the applicant was subjected to cruelty in connection with demand of dowry.
7. On due consideration, we are of the considered view that leave to appeal deserves to be granted to the State for preferring Acquittal Appeal.
8. Accordingly, the CRMP is allowed.
9. Let regular acquittal appeal be registered and notice thereof be sent to the respondents on payment of P.F. as per rules.
10. It is made clear that if the respondents avoid acceptance of notice, this Court shall proceed to invoke Section 390 of Cr.P.C. to secure their presence.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Chandra Bhushan Bajpai)