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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 786 of 2016**

- State Of Chhattisgarh Through Station House Officer, Police Station Mohla District Rajnandgaon, Chhattisgarh.

---- **Petitioner****Versus**

1. Shyamu @ Shyamsundar S/o Gokul Ram Bhuaarth Aged About 28 Years Caste Halba, R/o. Vijaypur, Police Station Mohla, District Rajnandgaon, Chhattisgarh.
2. Birendra Kumar S/o Laste Nirmal Singh Kowachi Aged About 26 Years R/o Vijaypur, Police Station Mohla, District Rajnandgaon Chhattisgarh.

---- **Respondents**

For Applicant/State : Shri Ashish Shukla, G.A.

**HON'BLE SHIR JUSTICE PRASHANT KUMAR MISHRA &
HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**

Order On Board**04/08/2016**

1. The State has preferred this application under Section 378(3) of the Cr.P.C. to seek leave to prefer acquittal appeal against respondent No.1, who has been acquitted of the charges under Sections 323, 506 Part-II, 376(1) and 376D of I.P.C. and respondent No.2, who has been acquitted of the charge under Section 376D of the I.P.C.
2. Having heard learned counsel for the State and having perused the evidence adduced by the prosecution, we are of considered view that the present is a fit case for grant of leave to prefer acquittal appeal.
3. In view of the above, Cr.M.P. is allowed and leave to prefer acquittal appeal against the respondents is granted.

4. Let regular appeal be registered against the respondents and notice thereof be issued to them, on payment of P.F. as per rules.

5. It is made clear that if the respondents fail to appear before this Court, coercive steps be taken to secure their appearance in terms of Section 390 of the Cr.P.C.

Sd/-
Judge
(**Prashant Kumar Mishra**)

Sd/-
Judge
(**Chandra Bhushan Bajpai**)