

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 647 of 2016

- State Of Chhattisgarh Through - District Magistrate Korba
Chhattisgarh

---- Petitioner

Versus

- Bajrang Vaishnav S/o Late Kirtandas Vaishnav Aged About 34
Years R/o Katghora, Purani Basti, P.S. Katghora, Distt. Korba
Chhattisgarh

---- Respondent

For Petitioner/State

Mr. Vivek Sharma, Government Advocate

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

Order On Board

21/7/2016

1. Heard.
2. This application seeking leave to appeal has been preferred against the judgment of acquittal passed by the First Additional Sessions Judge, Katghora, District Korba, acquitting the respondent/accused from the charges under Sections 498A, 304B, in alternative under Section 302 of IPC.
3. It is argued that despite evidence of Arvind Kumar Vaishnav (PW-1, brother of the deceased, Smt. Vidhya Bai (PW-2, mother of the deceased), Sandeep Kumar Vaishnav (PW-3, brother of the deceased), Smt. Shashikala Vaishav (PW-7, sister of the deceased)

as well as the Dying Declaration -Ex.P/13 recorded by Parwati Patel (PW-6), Executive Magistrate, the trial Court has acquitted the accused.

4. On perusal of the impugned judgment as well as the statements of witnesses, we are fully satisfied that the leave to appeal deserves to be granted.
5. Accordingly, the CRMP is allowed.
6. Let regular acquittal appeal be registered and notice thereof be sent to the respondent on payment of P.F. as per rules.
7. It is made clear that if the respondent avoids acceptance of notice, this Court shall proceed to invoke Section 390 of Cr.P.C. to secure his presence.

Sd/-

Sd/-

Judge

Judge

(Prashant Kumar Mishra)

(Chandra Bhushan Bajpai)