

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Criminal Miscellaneous Petition No.1088 of 2015

State of Chhattisgarh through District Magistrate Jagdalpur, District Bastar, Chhattisgarh
----- **Petitioner**

versus

1. C.H.Narsingh Rao, S/o C.H. Kondaiyya, aged about 27 years,
 2. C.H. Kondaiyya, S/o C.H. Achaiyya, aged about 65 years,
 3. C.H. Narayanamma, W/o C.H. Kondaiyya, aged about 60 years,
- All are R/o Dalpat Sagar Ward, Jagdalpur, District Bastar, Chhattisgarh

----- **Respondents**

along with

Acquittal Appeal No.256 of 2015

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5/5/2016	Smt. Smita Ghai, Panel Lawyer and Shri Malay Shrivastava, Advocate for the respective Petitioners. Shri Pravin Kumar Tulsyan, Advocate for the Private Respondents. I.A. No.1 of 2015 has been filed in Criminal Miscellaneous Petition No.1088 of 2015 to condone 7 days' delay. Considering the duration, it is allowed. In both the matters the common submission is that even if the charge under Section 304B IPC had not been established and there was no charge under Section 302 IPC, the lesser charge under Section 498A IPC or under Section 306 IPC stood established on the same evidence and complete acquittal was not justified. The application (Criminal Miscellaneous Petition No.1088 of 2015) for leave to appeal is allowed. Let it be registered as an acquittal appeal. No fresh notice need issue as the Respondents being common are duly represented. Sd/- (Navin Sinha) Chief Justice	Sd/- (P. Sam Koshy) Judge