

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 761 of 2016

- Rajesh Kumar Lahre S/o Shri Bhagwat Lahre Aged About 40 Years R/o Village Sendri, P.S. Koni, Bilaspur, District Bilaspur, Civil And Revenue Distt. Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Police Station Koni, Bilaspur Chhattisgarh.
2. Lal Singh Baghel S/o Subhau Ram Baghel Aged About 37 Years R/o Village Sendri Awaspara, Bilaspur, Tahsil & District Bilaspur Chhattisgarh.

---- Respondent

For Petitioner	Mr. D.C. Verma, Advocate
For Respondent /State	Mr. Adhiraj Surana, Dy. GA

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

Order On Board

9/9/2016

1. Heard.
2. This is an application seeking leave to appeal against the judgment rendered by the IX Additional Sessions Judge, Bilaspur acquitting the accused for the offence under Section 307 of IPC and instead convicting him under Sections 279, 337 and 427 of IPC.
3. After hearing learned counsel for the appellant and on perusal of the papers annexed with the application particularly the

statement of Dr. Ashok Kumar Yende (PW-1) and for the fact that the prosecution appears to have committed illegality by giving up one of the corroborating witness namely Manoj Bharadwaj, we are satisfied that the leave to appeal should be granted.

- 4. Accordingly, the CRMP is allowed.
- 5. Let regular acquittal appeal be registered and notice thereof be sent to the respondents on payment of P.F. as per rules.
- 6. It is made clear that if the accused/respondent fails to enter into appearance before this Court, 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)