

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 734 of 2016

State of Chhattisgarh **Versus** Santosh Yadav

29/09/2016	Shri Chandresh Shrivastava, Panel Lawyer for the State/applicant/appellant. Respondent not noticed. The matter is listed on default that the application for condonation of payment of P.F. has not been filed, though the P.F. is paid. Heard on I.A.No.1/2016 under Section 5 of the Limitation Act for condonation of delay occurred in filing of the instant Cr.M.P. followed by acquittal appeal as the instant acquittal appeal along with Cr.M.P. has been preferred after 266 days of its limitation. On due consideration, for the reasons mentioned in the I.A.No.1/2016, in view of this Court, the applicant satisfactorily explained the delay. Consequently, I.A.No.1/2016 is hereby allowed. Also heard on the application for grant of leave under Section 378(3) of the Code of Criminal Procedure, 1973 (in short 'the Code'). Also perused the judgment impugned and copy of the charge sheet and copy of the statements of witnesses adduced by the applicant; perused the evidence of PW-1, the prosecutrix (name not mentioned). Co-accused Rohit Gupta is shown as dead in the impugned judgment of the trial Court dated 10-07-2015. Upon perusal of the material available along with the instant Cr.M.P., this Court is of the considered view that this is a fit case to grant leave to file acquittal appeal. Consequently, the Cr.M.P. is hereby allowed.	

Registry is directed to register the matter under the head of acquittal appeal.

P.F. is already paid by the applicant/appellant.

Default pointed out by the Registry is hereby overruled.

Registry is directed to issue notice to the respondent through usual mode immediately, returnable within four weeks.

Record of the Court below be requisitioned through usual mode and fax mode.

List the matter immediately after service of notice to the respondent for admission of acquittal appeal. If the respondent failed to remain present either in person or through his counsel or willfully avoids the notice, coercive steps shall be taken under the relevant provision of Section 390 of the Code.

The Cr.M.P. disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge