

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 946 of 2016

Smt. Basanti Bai **Versus** State of Chhattisgarh and others

29/09/2016	Shri Suresh Kumar Pandey, Advocate for the applicant/appellant. Shri Chandresh Shrivastava, Panel Lawyer for the State/respondent No.1. Other respondents not noticed. The matter is listed on default as mentioned by the office. On due consideration, the default pointed by Registry is overruled. The applicant, i.e., the victim/informant lodged a written report against respondents 2 and 3 before अजाक police and on the basis of said written report, police investigated the matter, filed the charge sheet before the concerned criminal Court and the trial is conducted against respondents 2 and 3 and vide judgment dated 22-07-2016 passed by the Special Judge under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (for short 'the Act, 1989'), Surajpur, C.G. in Special Sessions Trial 49/13 the trial Court while affording benefit of doubt acquitted respondents 2 and 3. Against the said judgment the applicant being a victim as defined in Section 2(wa) of the Code of Criminal Procedure, 1973 (in short 'the Code') had filed appeal under Section 372 of the Code along with leave to appeal under Section 378(3) of the Code. The said acquittal appeal along with application for leave to appeal has been preferred within its limitation. Heard learned counsel for the applicant on the instant	

Cr.M.P., i.e., leave to appeal. Also perused the copy of charge sheet and copy of statements of the witnesses adduced by the prosecution during trial.

Upon considering statement of PW-1, the applicant/victim, in the considered view of this Court, this is a fit case where leave to appeal should be granted.

Consequently, the instant Cr.M.P. is allowed and leave to appeal is granted.

Registry is directed to register the acquittal appeal under proviso of Section 372 of the Code.

The applicant is directed to pay P.F. within 7 days.

Let notice be issued to respondents 2 and 3 through usual mode and registered mode along with copy of the acquittal appeal and the documents annexed, returnable within four weeks.

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

List the matter immediately after receipt of the record and service of notice to respondents 2 and 3 for hearing on motion on acquittal appeal. If respondents 2 and 3 willfully avoid or not represented either in person or through their counsel in the hearing, the Court shall take coercive steps under Section 390 of the Code to ensure their representation /appearance in the matter.

The Cr.M.P. disposed of.

Sd/-
(Chandra Bhushan Bajpai)
Judge