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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.364 of 2017**

- State Of Chhattisgarh Through Police Station Katghora, District-Korba, Chhattisgarh.

---- **Petitioner****Versus**

- Ramendra Singh Kanwar @ Kundan Singh Kanwar S/o Raghunath Singh Kanwar Aged About 21 Years R/o Vijaypur, Police Station Katghora, District Korba, Chhattisgarh.

---- **Respondent**

For Petitioner/State : Shri Ramakant Pandey, Panel Lawyer.
Respondent not noticed.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****21.3.2017**

Heard.

2. Instant Cr.M.P. for leave to appeal under Section 378(3) of the Code of Criminal Procedure, has been preferred within its limitation.

3. Admit.

4. Heard the matter finally.

5. By filing the instant Cr.M.P. the applicant has prayed that the Court below erred in awarding benefit of doubt to the respondent/accused though the prosecution proved the charges against the accused by adducing evidence of the prosecutrix and other witnesses. Hence, leave to appeal may be granted and appeal may be heard on its merits.

6. Perused judgment dated 02.12.2016 and also the statement of cousin of the prosecutrix Shilpa Mahant (PW-3), prosecutrix (PW-4) and other evidence adduced.
7. On due consideration this is a fit case where leave to appeal be granted. Consequently, instant Cr.M.P. is allowed.
8. Registry is directed to register the matter under the head of acquittal appeal.
9. Record of the Court below be requisitioned through usual and fax mode immediately.
10. The applicant is directed to pay PF within seven days from today under Rules 167 & 172 of the High Court of Chhattisgarh Rules, 2007 for issuance of notice to the respondent through ordinary and registered mode, returnable within four weeks along with a copy of acquittal appeal and the documents annexed.
11. List this matter immediately after notice to the respondent is served and receipt of record for hearing on admission of the acquittal appeal.
12. If the respondent avoids service of notice, the Court may consider for issuance of warrant under the provisions of Section 390 Cr.P.C.
13. Cr.M.P. disposed of.

Sd/-
(Chandra Bhushan Bajpai)
JUDGE