

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 656 of 2017

Manohar Uikey S/o Gyani Ram Uikey, Aged About 39 Years R/o
Village Jamdi, Police Station Salhekasa, District Gondiya,
Maharashtra.

---- Applicant

Versus

State Of Chhattisgarh Through District Magistrate Rajnandgaon,
Chhattisgarh.

---- Respondent

For applicant - Shri Utkal Pradhan, Advocate.
For respondent/State-Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

26/07/2017

1. Heard.
2. Instant revision is against the order dated 27/02/2016 wherein appeal was preferred by the State against acquittal order dated 21/05/2015 with delay of 21 days. Primarily the revision is against the condonation of delay in allowing the application for condonation of delay in filing the acquittal appeal by the State. Instant revision is also delayed by 362 days. Perused the order dated 27/02/2016. Perusal of the order shows that initially some delay occurred at the end of the prosecution agency for recommendation of filing an appeal to the District Magistrate, Rajnandgaon on 30/01/2016. Subsequently, on that proposal appeal was proposed to be filed by the District Magistrate and proposal was sent on 4/02/2016 to the prosecution office at Rajnandgaon. Thereafter from 5/02/2016 to 16/02/2016 time was taken and eventually acquittal appeal was filed with a delay of 21 days.
3. Considering the same, it appears that prima facie State was able

to explain the delay of 21 days in filing the acquittal appeal. Delay appears to be prima facie to have been explained. Instant revision is also filed with delay of 362 days. Perusal of the order would show that no jurisdictional error have been committed by the court below. In any case delay of 21 day has been properly explained and the court is of the view that applicant can always agitate his innocence on merits before the appellate court.

4. Consequently, I do not find any reason to interfere in the order and instant revision is dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE