

HIGH COURT OF CHHATTISGARH AT BILASPURCr.M.P. No. 1570 of 2017

Smt. Sohadra Bai W/o Shri Kanak Ram Sahu, aged about 49 years, R/o village Tirra, Police Station Arjuni, Tahsil and District Dhamtari (C.G.).

---Petitioner

Versus

1. Makhanlal Sahu S/o Late Dhansingh Sahu, aged about 66 years, R/o village Tirra, Police Station Arjuni, Tahsil and District Dhamtari (C.G.).
2. State of Chhattisgarh, through S.H.O., Police Station Arjuni, Tahsil and District Dhamtari (C.G.).

---Respondents

For petitioner	:	Ms.Priya Mishra on behalf of Shri Y.C.Sharma, Advocate.
For State	:	Shri Gary Mukhopadhyay, Government Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

26/02/2018

1. Present Cr.M.P. has been filed seeking restoration of Cr.M.P. No. 517/2016 which got dismissed by virtue of a peremptory order passed by this Court on 18/07/2016.
2. The original Cr.M.P. i.e. 517/2016 was filed challenging the judgment of acquittal dated 24/02/2016 passed by the Additional Sessions Judge, Dhamtari in criminal appeal No. 73/2015. Against the order of acquittal, though Cr.M.P. was filed and which got dismissed by a peremptory order on 18/07/2016, the application for restoration has been filed after more than a year i.e. on 30/10/2017.

3. Undisputedly, the respondent No.1 in the instant case has been acquitted of all the charges and a substantive right in his favour has already been created for quite some time and now entertaining the said application at this belated stage would be putting the respondent No.1 to unnecessary inconvenience.
4. Once when the Cr.M.P. was preferred by the present petitioner, she was required to ensure that the appeal is filed properly and in the event of any default, the same should have also been cured. Having not done so, this Court had granted sufficient time to the petitioner for removing the defaults. But the petitioner does not seem to have been cared to remove the default. Even if this was not sufficient, the petitioner took more than one year to file the present Cr.M.P. seeking restoration which is highly belated and no proper explanation, justification or plausible reason has been given by the petitioner for filing the present Cr.M.P. at this belated stage.
5. Thus, this Court does not find any strong case made out by the petitioner for entertaining the present Cr.M.P.
6. The present Cr.M.P. thus fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
JUDGE