

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1890 of 2018

- The State Of Chhattisgarh Through - Station House Officer Police Station City Kotwali Mungeli District Mungeli Chhattisgarh

---- Petitioner

Versus

- Deepdan @ Deep S/o Sanat Kumar Yadav Aged About 24 Years R/o Gandhi Chowk In front Of Bihari Talkies District Bilaspur Chhattisgarh

---- Respondent

For State / Petitioner : Shri Anil Pillai, Dy.A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

12/12/2018

There is an application (I.A.No.1) for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration of the grounds urged in the application, the same is allowed. Delay is condoned.

Heard on prayer for grant of leave to appeal.

Though learned State counsel would argue that at the time when the victim - Vijay Yadav was stabbed by co-accused – Mahesh (since dead), the respondent / accused was very much present and therefore, a common intention is made out, after going through the evidence of victim – Vijay (PW4), we find that he has not alleged any overt act on the part of the respondent / Deepdan, the acquitted accused.

We do not find any ground to interfere with the judgment of acquittal. No case for grant of leave to appeal is made out. This petition is accordingly dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Rajani Dubey)
Judge**