

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 165 of 2017

- State Of Chhattisgarh Through Station House Officer, Police Station Pamgarh, District Janjgir Champa, Chhattisgarh.

---- Appellant

Versus

- Kuldeep Singh S/o Harnaam Singh Kachhawaha Aged About 27 Years R/o Kodabhaath, Police Station Pamgarh, District Janjgir- Champa, Chhattisgarh.

---- Respondent

For State	Shri Rajendra Tripathi, P.L.
For Respondent	Shri Rajesh Roshan Singh, Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

by Hon'ble Prashant Kumar Mishra J.

08/02/2018

1. Heard.
2. The matter was posted today for hearing on two interim applications (I.A. No.1/2018 for taking document on record and I.A. No.2/2018 for urgent hearing), both preferred by the respondent.
3. Shri Rajesh Roshan Singh, learned counsel for the respondent would submit that against the same impugned judgment, the prosecutrix had earlier preferred an application for leave to appeal bearing CRMP No. 1047 of 2016, which has been

dismissed at the admission state itself, on 20.10.2016, however, the present appeal appears to have been admitted on 09.08.2017. He would submit that there cannot be two different orders against the same judgment, therefore, the present appeal also deserves to be dismissed.

4. Learned State counsel would not dispute the factual position that against the same impugned judgment of acquittal, the leave to appeal preferred by the prosecutrix stands dismissed by the Court at the admission stage itself.
5. We have no reason to disagree with the argument advanced by learned counsel for the respondent that against the same judgment of acquittal, once an acquittal appeal has been dismissed at the admission stage, the subsequent appeal by the State is bound to fail.
6. Accordingly, we have no other option but to dismiss this appeal on the same reasoning on which the CRMP No. 1047 of 2016 preferred by the prosecutrix was dismissed.

Sd/-

Judge

Prashant Kumar Mishra

Sd/-

Judge

Ram Prasanna Sharma

Akhilesh