

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No.517 of 2017

State of Chhattisgarh **Versus** Rakesh Kumar Gupta & ors.

20/09/2019	Shri K.K. Singh, GA for the State. Heard on I.A. No.1/2017, which is an application under Section 5 of the Limitation Act for condonation of delay occurred in filing the appeal. On due consideration and for the reasons stated in the application (I.A. No.1/2017), the same is allowed and the delay of 45 days in filing the appeal is condoned. Also heard on application for grant of leave to appeal. Perused the statement of the witnesses, specially the statement of T.S. Markam (PW-11), who has recorded the dying declaration, wherein at para 5 suggestion was made to the deceased about the physical and mental condition of the deceased which was said to be correct. Prima facie, considering the same, we find it appropriate to allow leave to appeal filed under Section 378 (3) of the Cr.P.C.

Ashu	Registry is directed to register the case as an acquittal appeal. Let a bailable warrant for a sum of Rs.25000/- be issued against the respondents for their appearance before this Court on 5th of November, 2019. List this case on 5th of November, 2019. Call for the record of the Court below. Sd/- (Goutam Bhaduri) Judge Sd/- (Vimla Singh Kapoor) Judge
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