

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRA No. 790 of 2019**

1. Sukhi Ram S/o Rameshwar Aged About 30 Years,
2. Mukhi Ram S/o Rameshwar Aged About 25 Years,

Both are R/o Village Anrokha Bandhpara Chowki Bhatgaon,
P.S. Pratappur, District- Sarguja, Chhattisgrah.

---- Appellants**Versus**

- State Of Chhattisgarh Through Station House Officer, Police
Station Pratappur (Chowki Bhatgaon), District Sarguja (Now
Surajpur) Chhattisgarh.

---- Respondent

For Petitioners :- Ms. Sunita Sahu with Shri C.R.
Sahu, Advocate

For Respondent-State :- Ms. Madhunisha Singh and
Shri Neeraj Mehta, PL.

Shri Rajendra Gaikwad, Superintendent, Central Jail, Ambikapur is
also present

**Hon'ble Shri Prashant Kumar Mishra &
Hon'ble Shri Gautam Chourdiya, JJ.**

Order On Board By
Prashant Kumar Mishra, J.

10/07/2019

1. This appeal was filed along with an application for condonation of delay of 4956 days. Looking to the enormous delay in filing of appeal this Court directed the Member Secretary, SLSA to obtain report from all the Secretaries, DLSAs throughout the State as to the number of convicts lying in different jails on whose behalf appeals have not been preferred.
2. Learned State counsel was directed to file reply to the appellant's application under Section 389 of Cr.P.C. On the next date of hearing records of Criminal Appeal No. 267 of 2006 was also placed before this Court as the said appeal was also preferred by the present appellants. The said appeal has already been dismissed on 09.05.2011 and thereafter jail appeal preferred before the Hon'ble Supreme Court through the Supreme Court Legal Services Committee was also closed because papers were not made available to the said committee.
3. It appears the appellants and their relatives have not acted bona fidely and have concealed material information from this Court while filing the present appeal. The affidavit along with application under Section 5 of the Limitation Act is filed by Savitri Bai, wife of appellant No.1 Sukhi Ram. She is

present in Court. According to her, the earlier appeal was looked after by her mother-in-law, but she was not sure about filing of the earlier appeal and fate thereof, therefore, out of desperation she got filed the present appeal so that her husband is released from jail.

4. We have our own doubts over the truthfulness of the statement made by Savitri Bai before this Court, however, considering that the parties are poor and rustic villagers, we deem it appropriate to drop the issue at this stage, as it would not be proper to proceed further in the matter to prosecute the relatives of the appellant for committing perjury. We, therefore, give quietus to the present episode of filing another appeal despite the earlier appeal having been dismissed.

5. The present Appeal is dismissed being not maintainable as the earlier appeal by the present appellant against the same judgment of conviction already stands dismissed by this Court.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge