

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1656 of 2019**

- State Of Chhattisgarh Through The Incharge, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Applicant**Versus**

1. Nitish Tiwari S/o Late Govind Prasad Tiwari Aged About 31 Years,
2. Rahul Prasad Tiwari S/o Late Govind Prasad Tiwari Aged About 33 Years,
3. Smt. Taruna Tiwari W/o Late Govind Prasad Tiwari Aged About 54 Years,

All R/o Aditya Nagar, House No. C H / 133, 134, Ward No. 20, Police Station Mohan Nagar, District Durg Chhattisgarh.

---- Respondents

For Applicant :- Ms. Madhunisha Singh, PL

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

Order On Board
By
Prashant Kumar Mishra, J.

14/08/2019

1. On due consideration delay of 106 days in filing of the

Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application under Section 5 of the Limitation Act, 1963 for condonation of delay occurred in filing of the Cr.M.P. is allowed.

2. The trial Court has acquitted the accused persons of the charges under Section 304B/ 34 of I.P.C.
3. Considering the statement of Prafull Tiwari (PW-8), brother of the deceased Shikha Tiwari, Surinderjeet Singh (PW-4), Gangasagar Tiwari (PW-1) and Sushma Tiwari (PW-5), we are inclined to grant leave to appeal.
4. Accordingly, the Cr.M.P. is allowed.
5. Let regular Acquittal Appeal be registered and the same be posted for consideration in the week after next.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi