

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 543 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station- Pasan, District- Korba, Chhattisgarh.

---- Petitioner

Versus

1. Andhulal Dhanuhar S/o Late Faggu Lal Dhanuhar Aged About 48 Years R/o Village- Amjahr, (Lamnidad Dhanuharpara), Police Station- Pasan, District- Korba, Chhattisgarh
2. Jai Singh Dhanuhar S/o Late Govind Singh Dhanuhar Aged About 30 Years R/o Village- Pandaripani, Police Station- Pasan, District- Korba, Chhattisgarh

---- Respondent

For StateMs. Fouzia Mirza, Additional Advocate General

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board by Prashant Kumar Mishra, J.****23/10/2019**

1. This acquittal appeal was filed by the State against accused No.1 Andhulal Dhanuhar and accused No.2 Jai Singh Dhanuhar.
2. However, learned Additional Advocate General would inform this Court, on instructions and with apology, that the State wrongly filed appeal against appellant No.2 Jai Singh Dhanuhar, who was never tried under the impugned judgment as it is

clearly mentioned in the first para of the judgment that Jai Singh Dhanuhar is absconding.

3. There is a service report that respondent No.1 Andhulal Dhanuhar is already dead. Thus, the appeal does not survive against him and is wrongly filed against accused No.2 Jai Singh Dhanuhar.
4. In view of the above, the appeal is disposed of with liberty to the State to take appropriate decision about accused No.2 Jai Singh Dhanuhar, upon completion of pending trial against him.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge