

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 197 of 2016**

- The State Of Chhattisgarh Through District Magistrate Janjgir Champa Chhattisgarh.

---- Petitioner

Versus

1. Rakesh Yadav S/o Sundarlal Yadav Aged About 28 Years,
2. Ramshila Yadav W/o Sundarlal Yadav Aged About 50 Years,

Both are R/o Village Taga, P.S. Pamgarh, Distt. Janjgir Champa 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.**

23/08/2019

1. On due consideration delay of 130 days in filing of the appeal is condoned. Accordingly, I.A. No.01 of 2016, application under Section 5 of the Limitation Act for condonation of delay occurred in filing of the instant Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charges under Section 302/34 in the alternative 304-B of I.P.C.
3. Considering the fact that Dehati Nalisi has been registered on the basis of dying declaration (Ex-P-4) recorded by the Executive Magistrate and the FIR has also been lodged by the deceased herself and thereafter her case diary statement has also been recorded and in all of these documents the deceased has clearly alleged that the accused persons have pour kerosene oil on her and set her ablaze, 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