

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2013 of 2019

1. State Of Chhattisgarh Through Out Post Naila, Police Station
Janjgir District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

1. Neelam Swarnakar @ Neelu W/o - Late Pramod Swarnakar
Aged About 31 Years R/o - Village Sarkho, Out Post Naila,
Police Station Janjgir District Janjgir Champa Chhattisgarh

--- Respondents

For Petitioner/State Shri Pawan Kesharwani, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, J.Hon'ble Shri Gautam Chourdiya, J.Order on BoardByPrashant Kumar Mishra, J.11-9-2019I.A.No.1

1. This is an application for condonation of delay in filing the
Cr.M.P.
2. For the reasons mentioned in the application, the delay of 194
days in filing the Cr.M.P. is condoned.
3. Accordingly, I.A.No.1 stands disposed of.

4. ACQA No.509 of 2018 preferred by the aggrieved person has already been admitted for hearing, therefore, the present application for leave to appeal preferred by the State deserves to be allowed, as both the matters would assail the same judgment of acquittal wherein accused Neelam Swarnakar @ Neelu has been acquitted of the charge under Section 302/109 of the Indian Penal Code.
5. In view of the above, we are inclined to allow the Cr.M.P. and grant leave to the State for prosecuting the acquittal appeal.
6. As a sequel, the Cr.M.P. is allowed. Let regular acquittal appeal be registered and the same be placed before the Court for consideration in the week after next along with CRA Nos.1840 & 1844 of 2018 and ACQA No.509 of 2018.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri