

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 866 of 2018**

- Sayyed Baba Mastaan S/o Sayyed Wali Mohammad Aged About 58 Years R/o Sanjay Nagar, Satnami Para, Police Station Tikrapara, Raipur, Tehsil And District Raipur Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh Through The District Magistrate District Raipur Chhattisgarh.
2. Swapnil Devdas S/o Man Singh Devdas R/o Jhanda Chowk, Sanjay Nagar, Tikrapara, Raipur, District Raipur Chhattisgarh.
3. Yashwant Mashih @ Chhotu S/o Maniram Mashih R/o Near Ambedkar Chowk, C. G. Nagar, Police Station Tikrapara, Raipur, District Raipur Chhattisgarh.

---- Respondents

For Applicant	:-	Shri Adhiraj Surana, Advocate
For Respondent-State	:-	Shri R. Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order On Board****By****Prashant Kumar Mishra, J.****05/02/2020**

1. It is pointed that there is delay of 70 days in filing the instant application. On due consideration, delay is condoned.

2. Record of the trial Court is available, therefore, I.A. No.01 of 2018, application for exemption from filing copy of exhibits is allowed.
3. Heard on admission.
4. The trial Court has acquitted the accused – Yashwant Masih of the charges under Section 201/34 of the I.P.C. and accused - Swapnil Devdas of the charges under Sections 302, 323, 201/34 read with Sections 25/27 of the Arms Act, 1959.
5. Accused persons were tried for causing simple hurt to Vikas @ Monu Joshi and committing murder of deceased Imran @ Immu. There are as many as four eye-witnesses, however, the trial Court has held that the accused persons exercised right of self defense while causing fatal injury to Imran @ Immu.
6. Considering the evidence on record, we are inclined to grant leave to appeal against acquittal.
7. Accordingly, the Cr.M.P. is allowed.
8. Let regular acquittal appeal be registered and the same be placed for consideration in the week after next.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge