

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1028 of 2020**

- State of Chhattisgarh Through- The Police Station Gandai, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Ramavtar Shrivastava S/o Judawan Shrivastava Aged About 41 Years R/o Village Jiratola, P.S. Gandai, District Rajnandgaon, Chhattisgarh

---- Respondent

For petitioner/State : Mrs. Hamida Siddiqui, Dy. A.G.

DB: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor.

Order on Board**17-12-2020**

1. Head.
2. There is a prayer for condonation of delay in filing the appeal by the State. The appeal is barred by 158 days.
3. We have also heard learned counsel for the State on merit as to whether it is a fit case for grant of leave to appeal as there is acquittal of the accused against the judgment from the charges of commission of rape.
4. Having gone through the merits of the case, we find that present is a fit case for grant of leave to appeal as the prosecutrix has clearly stated regarding commission of rape on her.
5. In view of the above, we are also inclined to condone the delay in filing the appeal in the larger interest of justice. Delay is condoned and leave to appeal is granted. The appeal filed by the State be registered as Acquittal Appeal and be listed for further orders.

6. Accordingly, CR.M.P is disposed of.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Raju