

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1033 of 2020**

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, District Surguja, Chhattisgarh.

**---- Petitioner****Versus**

- Devidayal Patel S/o Lalan Prashad Patel Aged About 24 Years R/o Village Dhondha, Police Station Chandoura, District Surajpur, Chhattisgarh.

**---- Respondent**

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For petitioner/State : Mr. Lalit Jangde, Dy.Govt. Advocate

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**DB: Honorable Shri Justice Manindra Mohan Shrivastava**

**Honorable Smt. Justice Vimla Singh Kapoor.**

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

Head.

1. There is a prayer for condonation of delay in filing the appeal by the State. The appeal is barred by 145 days.
2. Taking into consideration the submission of learned counsel for the State, particularly, taking into consideration the ground seeking leave against the judgment of acquittal, the allegation of commission of offence under Section 306 of IPC and after going through the merits of the case, particularly taking into consideration that the applicant and prosecutrix were in love affair and the accused kept on exploiting and later on prosecutrix committed suicide because of harassment, we are inclined to condone the delay to grant leave to appeal.

3. Accordingly, the delay is condoned. Leave to appeal only to the extent of acquittal of the accused from the charges of commission of offence under Section 306 of IPC is granted. Accordingly, the appeal filed by the State be registered as Acquittal Appeal in so far as it seeks to challenge the acquittal of accused from the charges under Section 306 of IPC. As far as all other charges are concerned, we are not inclined to interfere with the impugned judgment of acquittal. The acquittal appeal shall be heard only to that limited extent.
4. Accordingly, CR.M.P is allowed.

Sd/-

(Manindra Mohan Shrivastava)  
Judge

Sd/-

(Vimla Singh Kapoor)  
Judge

**Raju**