

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2123 of 2018**

- The State Of Chhattisgarh Through Police Station Saraipali,
District Mahasamund Chhattisgarh.

---- Applicant**Versus**

1. Ashok Choudhary S/o Babulal Choudhary Aged About 41
Years R/o Village -Umaria, Police Station - Saraipali, District
-Mahasamund Chhattisgarh.
2. Jogsai Patel S/o Shyam Lal Patel Aged About 37 Years R/o
Village -Umariya, Police Station - Saraipali, District
-Mahasamund Chhattisgarh.

---- Respondents

For Applicant-State	:-	Shri Pawan Kesharwani, PL
For Respondent No.1	:-	Shri Gurudev I. Sharan, Advocate
For Respondent No.2	:-	Shri Sangeet Kumar Kushwaha, Advocate

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya
Order On Board**

By**Prashant Kumar Mishra, J.****14/01/2020**

1. On due consideration delay of 15 days in filing of the Cr.M.P.
is condoned. Accordingly, I.A. No.01/2018, application for
condonation of delay in filing of the Cr.M.P. is allowed.

2. The trial Court has acquitted the accused persons of the charges under Section 302/34 of the I.P.C.
3. Having seen the statement of eye-witnesses PW-2 Saudagar Yadav, PW-10 Markand Das and PW-16 Chetram, we are inclined to grant leave to appeal against acquittal.
4. Accordingly, the Cr.M.P. deserves to be and is allowed.
5. Let regular Acquittal Appeal be registered.
6. Shri Gurudev I. Sharan, Advocate has already entered appearance for respondent No.1 and Shri Sangeet Kumar Kushwaha, Advocate has already entered appearance for respondent No.2, therefore, fresh notice in Acquittal Appeal is not required.
7. Acquittal appeal is **admitted** for hearing.
8. Record of the trial Court be summoned.
9. Paper book be prepared in the Acquittal Appeal and the same be posted for final hearing in due course.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge