

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.326 of 2015**

- State Of Chhattisgarh Aged About 18 Years Through The Station House Officer, Police Station Kamleshwarpur, Distt. Surguja Chhattisgarh, Chhattisgarh

---- Petitioner**Versus**

- Baratu Majhwar S/o Shani Majhwar Aged About 36 Years Occupation - Agriculture, R/o Village Sarbhanja Karikandi, Police Station Kamleshwarpur, Distt. Surguja Chhattisgarh, Chhattisgarh

---- Respondent

Shri Lalit Jangde, GA for appellant/State.

**Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Vimla Singh Kapoor
Order On Board**

25/01/2021

1. Learned State counsel prays for grant of leave to appeal.
2. Taking into consideration of the submission of learned State counsel that the respondent-accused has been acquitted, even though, the prosecution has led evidence of homicidal death, who is wife of the accused and the dead body was found in the house and therefore, in the absence of any plea of alibi, which was burden on the accused to explain as to how his wife sustained fatal injury, the application (Cr.M.P.No.326 of 2015) is allowed. Leave is granted.
3. Let appeal filed by the State be registered as Acquittal Appeal and listed for further orders.
4. In view of above, Cr.M.P.No.326 of 2015 is finally disposed off.

**SD/-
(Manindra Mohan Shrivastava)
Judge**

**SD/-
(Vimla Singh Kapoor)
Judge**