

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.349 of 2020

State Of Chhattisgarh Through District Magistrate, Dhamtari Chhattisgarh

---- Petitioner

Versus

1. Santosh Kumar @ Babloo S/o Late Shalik Shah Aged About 32 Years R/o Ward No. Saiyyad Raja, P. S. Saiyyad Raja, District Chandauli U. P.
2. Yashwant Singh S/o Badhu Yadav Aged About 25 Years R/o Saidpur (Bhunjwa), P. S. Alinagar, District Chandauli Uttar Pradesh

---- Respondents

For State/Petitioner : Mr. K.K. Singh, Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

09/02/2021

Heard on application for condonation of delay in filing appeal.

Upon due consideration of the ground urged and period of delay, we are inclined to condone the delay in filing application.

Also heard on prayer for grant of leave to appeal.

Taking into consideration the submission made by learned counsel for the State that the accused has been acquitted of the charge of transporting huge quantity of ganja mainly on the ground that the witnesses of seizure has not supported, without recording specific finding that the evidence of Investigating Officer is also not reliable, we are inclined to grant leave to appeal. Accordingly, the application for grant of leave to appeal is allowed.

The appeal filed by the State be registered as an acquittal appeal and be listed for further orders.

The present CRMP is accordingly disposed off.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge