

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.528 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station- Khadgawa, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioner

Versus

- Abdul Salam S/o Late Gulam Ambiya Aged About 83 Years R/o Gadhipara, Soanpur, Khadganwa, Police Station- Khadgawa, District- Korea, Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Respondent

Present:- Shri Mateen Siddiqui, Dy.AG for State/petitioner.

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

15/02/2021

1. Heard on application (I.A.No.1/2019) for condonation of delay in filing acquittal appeal.
2. Taking into consideration the cause shown in the application and that prayer for grant of leave to appeal is made against the charges of commission of offence of rape, we are inclined to condone the delay in filing acquittal appeal.
3. Accordingly, the application (I.A.No.1/2019) for condonation of delay in filing acquittal appeal is allowed and delay is condoned.
4. Also heard on prayer for grant of leave to appeal.
5. Taking into consideration the submissions made by the learned State counsel that despite there being clear and categorical evidence of the prosecutrix regarding criminal overt act on the part of the accused, acquittal has been granted by the trial Court giving undue weightage on trivial discrepancies, we are inclined to grant leave to appeal.
6. Accordingly, the application for grant of leave to appeal is allowed. The instant Criminal Miscellaneous Petition filed by the learned State counsel be registered as Acquittal Appeal and it be listed for further orders.
7. In view of above, the instant Criminal Miscellaneous Petition stands disposed off.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor)
Judge