

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.538 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Shyang, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. Manbodh Kispotta S/o Pauloos Kispotta Aged About 22 Years R/o Village Barpali Kolihadih, Police Station Shyang, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Lavernce Lakda, S/o Pawan Lakda, Aged About 20 Years R/o Village Barpali Kolhidih, Police Station Shyang, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Laxman Toppo S/o Munna Toppo Aged About 45 Years R/o Village Bhalwadih, Barpali, Police Station Shyang, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents**Present:-**

Shri Neeraj Pradhan, Panel Lawyer 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 wife's murder, 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 categorical evidence of the accused found at the spot, where the deceased was lying in injured condition and the unshaken evidence of oral dying declaration, 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