

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 916 of 2020**

The State of Chhattisgarh, Through District Magistrate, Dhamtari, Chhattisgarh.
---- Petitioner

Versus

Nemsingh Sahu, S/o Late Ramji Sahu, Aged About 35 Years, R/o Village
 Siltara, P.S. Bhakhara, District Dhamtari, Chhattisgarh. **---- Respondent**

For Petitioner/State : Advocate General along with Shri K. K. Singh, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

Per Manindra Mohan Shrivastava, Judge

06.04.2021

Heard on I.A. No.1/2020, prayer for condonation of delay.

This appeal is barred by 122 days for some.

We have considered the prayer and taking into consideration particularly that present is a case of acquittal from charges of commission of rape on a deaf and dumb girl and prima facie we find that trial Court and the Magistrate have not acted in accordance with the spirit of provision of law in the matter of recording of statement and conducting trial, we are inclined to condone delay so that justice may not be defeated. The delay is accordingly condoned.

Heard in prayer for grant of leave to appeal.

Taking into consideration the submission learned State counsel that despite material evidence in the form of 164 Cr.P.C. statement of the prosecutrix which is admissible as examination in chief, acquittal has been ordered by the trial Court, we are inclined to grant leave to appeal. The application is accordingly allowed.

Let the appeal filed by the State be registered as Acquittal Appeal and be listed for further orders. The Cr.M.P. is, accordingly, disposed of.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Narendra Kumar Vyas)
Judge