

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 729 of 2021**

- State Of Chhattisgarh Through Police Station Kansabel, District- Jashpur, Chhattisgarh

---- Petitioner**Versus**

1. Ramdular Chouhan S/o Shivnandan Ram Aged About 24 Years R/o Village Khutitoli, Police Station- Kansabel, District- Jashpur, Chhattisgarh
2. Mala Chouhan S/o Shivnandan Ram Aged About 28 Years R/o Village Khutitoli, Police Station- Kansabel, District- Jashpur, Chhattisgarh

--- Respondent

For Petitioner/State : Mr. Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****26/07/2021**

1. Heard on application (I.A. No.1/2021) for condonation of delay in filing the appeal.
2. Taking into consideration the period of delay and cause shown in the application and further taking into consideration that the appeal is against judgment of acquittal from the charges of murder, we are inclined to condone the delay, the application (I.A. No.1/2021) is allowed. Delay is condoned.
3. Also heard on prayer for grant of leave to appeal.
4. Taking into consideration the submission of learned State Counsel that even though the evidence of the doctor proves that the deceased died homicidal death due to strangulation leading to asphyxia in the matrimonial house and the accused failed to explain how deceased died homicidal death, acquittal has been granted on imaginary grounds contrary to evidence on record, we are inclined to grant leave to appeal. Prayer is accordingly allowed.
5. Let the appeal filed by the State be registered as an acquittal appeal and be listed for further orders.
6. CRMP is accordingly disposed off.

Sd/-**(Manindra Mohan Shrivastava)
Judge****Sd/-****(Vimla Singh Kapoor)
Judge**