

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1169 of 2020

State Of Chhattisgarh Through The Station House Officer, Police Station Champa,
District Janjgir Champa Chhattisgarh. **---- Petitioner**

Versus

1. Mohammad Haji Meman S/o Late Gani Dada Aged About 23 Years R/o Village Kanki, Police Station Urga, District Korba, Chhattisgarh. Presently Residing At Purani Basti, Madina, Masjid, Korba, District Korba Chhattisgarh
2. Muharram Ali @ Khushtar Rabbani S/o Late Razzaq Ahmed Aged About 38 Years R/o Village Budhwachak, Post Malmandaro, Police Station Gangti, District Goda, Presently Residing At Power House Road, Jama Masjid, Korba, District Korba Chhattisgarh
3. Babu Khan @ Shahzad Khan S/o Late Mati Khan Aged About 27 Years R/o Village Nawagadhi, Near Masjid, Police Station Naya Ramnagar, District Muger (Bihar), Presently Residing At Vasepur, Millat Colony, Police Station Bank Mod, Dhanbad (Jharkhand)
4. Premchand Choudhary S/o Bhupendra Choudhary Aged About 43 Years R/o Village Aaggoda, Ward No. 12, Infront Of Kali Mandir, Post Office And Police Station Barahat, District Banka (Bihar) **---- Respondents**

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

03/02/2021

Heard on application for grant of leave to appeal.

1. Taking into consideration the submission of learned State counsel that despite Trial Court itself considering the evidence with regard to recovery of incriminating articles from Babu Khan @ Shahzad Khan and Premchand Choudhary supported by the evidence of the prosecution witnesses, has acquitted them, the application for grant of leave to appeal is allowed to the extent of acquittal of Babu Khan @ Shahzad Khan and Premchand Choudhary.
2. However, there is no merit in submission regarding acquittal of Mohammad Haji

Meman & Muharram Ali from charges for which they have been acquitted. Therefore, leave is granted only against Babu Khan @ Shahzad Khan and Premchand Choudhary.

- 3. The appeal filed by the State be registered as an acquittal appeal and be listed for further orders.
- 4. The present CRMP is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge