

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.1802 of 2019**

- State Of Chhattisgarh Through Police Station Kotwali, Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Petitioner**Versus**

1. Sandeep Das Mahant S/o Ramsipahi Das Aged About 23 Years R/o Village J.P. Colony, Ramnagar, Police Chowki Manikpur Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
2. Sipahi Das S/o Ramudas Mahant Aged About 55 Years R/o Village J.P. Colony, Ramnagar, Police Chowki Manikpur Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh
3. Smt. Chanda Bai W/o Ramsipahi Mahant Aged About 52 Years R/o Village J.P. Colony, Ramnagar, Police Chowki Manikpur Korba, District Korba Chhattisgarh., District : Korba, Chhattisgarh

---- Respondents

Present:- Shri Pawan Kesharwani, GA for State/petitioner.

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

17/02/2021

1. Heard on application (I.A.No.1/2019) for condonation of delay in filing acquittal appeal.
2. Taking into consideration that leave against acquittal of the accused from the charges of commission of offence under Section 304 (B) of IPC, in the alternative under Section 306 and 302/34 of IPC as also the cause shown in the application, we are inclined to condone the delay in filing acquittal appeal.
3. Accordingly, the application (I.A.No.1/2019) is allowed and delay in filing acquittal appeal is condoned.
4. Also heard on prayer for grant of leave to appeal against acquittal of the accused.
5. Taking into consideration the submission of learned State counsel that the suspicious circumstances of there being quarrel in the house in the previous night and in the morning, mother of the deceased enquired about the incident to

her daughter, then she was guided into the house of the deceased where the deceased was found vomiting and thereafter, she was taken to the hospital and excessive quantity of expired medicine used for treatment of Epilepsy was found in the bed of the deceased and attempts were made to get her treated, only when the mother of the deceased went to the house and failure on the part of the respondent to explain the circumstances, in which, the deceased was administered expired medicine used for treatment of Epilepsy, that too in excessive quantity, we are inclined to grant leave to appeal.

6. Accordingly, the application (Cr.M.P.No.1802 of 2019) 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