

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 181 of 2020**

- State Of Chhattisgarh Through - Station House Officer, Police Station Nandghat, District : Bemetara, Chhattisgarh

---- Petitioner**Versus**

- Dilharan Nishad S/o Itwari Nishad Aged About 42 Years Resident Of Village Malda, Police Station Nandghat, District : Bemetara, Chhattisgarh

--- Respondent

For Petitioner/State : Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****10/03/2021**

1. Heard on application (I.A. No.1/2020) 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.1/2020) 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 in the present case, not only extra-judicial confession was led is circumstantial but also a very strong incriminating circumstance of cloth of the deceased and the cloth of the accused both found stained with the same origin and group of blood and injury was on the body of the deceased and not the accused, 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**