CGHC010058672023 2026:CGHC:46157-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 486 of 2023

State Of Chhattisgarh Through Its Station House Officer, Police Station Bande, District- Uttar Bastar, Chhattisgarh

... Petitioner(s)

versus

1 - Avinash Sarkar S/o Bhairav Sarkar Aged About 20 Years R/o Village P. V. 88, Police Station Bande District Uttar Bastar, District : Bastar(Jagdalpur), Chhattisgarh

2 - Subir Sarkar S/o Sanjeet Sarkar Aged About 22 Years R/o Village P. V. 88, Police Station Bande District Uttar Bastar, District : Bastar(Jagdalpur), Chhattisgarh

3 - Jay Vishwas S/o Niranjan Vishvash Aged About 28 Years R/o Village P. V. 88, Police Station Bande District Uttar Bastar, District : Bastar(Jagdalpur), Chhattisgarh

4 - Paresh Sonkar S/o Vinod Sonkar Aged About 33 Years R/o Village P. V. 88, Police Station Bande District Uttar Bastar, District : Bastar(Jagdalpur), Chhattisgarh

5 - Shyamal Modi S/o Sushil Modi Aged About 19 Years R/o Village P. V. 89, Police Station Bande District Uttar Bastar, District : Bastar(Jagdalpur), Chhattisgarh

... Respondent(s)

For Petitioner(s) : Mr. Saumya Rai, Deputy Government Advocate.

DB: Hon'ble Shri Justice Narendra Kumar Vyas &
Hon'ble Shri Justice Sudhir Kumar
Order on Board

02.11.2026

Per Narendra Kumar Vyas, J

1. Heard on I.A. No. 01/2022, application for condonation of delay in filing the instant petition.

2. On due consideration, the same is allowed and delay in filing the instant petition is hereby condoned.

3. Also heard on admission.

4. The present application has been filed under Section 378(3) of the Code of Criminal Procedure, 1973 for grant of special leave to appeal.

5. Application being arguable is admitted for hearing.

6. We have heard learned counsel for the State/petitioner and perused the judgment passed by the trial Court as well as related documents.

7. Considering the fact that the learned trial Court has recorded a finding that there was negligence on the part of the respondents in providing medical facilities to the deceased, which ultimately resulted in the death of the deceased. As such, the leave as prayed for by learned counsel for the State/petitioner, is granted.

8. The Registry is directed to register the present CrMP under the head **"Acquittal Appeal"**.

9. After registration of the acquittal appeal, let bailable warrants in the

sum of Rs. 5,000/- each be issued against all the accused persons through the concerned Superintendent of Police, to secure their presence before this Court on 13.01.2027.

10. In view of the above, present CRMP stand **disposed of**.

11. The acquittal appeal be listed on **13th January, 2027.**

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

Akhil