

Cr. MP (M) No.888 of 2019

31.7.2019

Present: Mr. Shiv Pal Manhans and Mr. P.K. Bhatti, Addl. AGs with Mr. Raju Ram Rahi, Dy. AG, for the appellant-applicant.
Mr. T.S. Chauhan, Advocate, for the respondent-accused.

Cr. MP (M) No.888 of 2019

The present application, under Section 5 of the Limitation Act, has been maintained by the applicant. As per the applicant, certified copy of the impugned judgment was applied on 6.8.2018 and the same was delivered on 18.8.2018. On receipt of the certified copy, the case was examined by the Public Prosecutor, Bilaspur. Thereafter, the case was sent through the District Magistrate, Bilaspur, who sent the case file for further decision to the Principal Secretary (Home) to the Government of Himachal Pradesh, which was received in Home Department. The case was referred to the Law Department, for seeking their opinion on 16.10.2018, which was received back on 13.11.2018. The delay in filing the appeal is neither intentional nor willful. The application is duly supported with an affidavit. No reply to the application has been filed.

Heard. At this stage, taking into consideration the fact that the delay has occurred for the reason that the file remained with one table to another table in the office of applicant-appellant and that is why, the delay has occurred and each day has been sufficiently explained. Accordingly, the application is allowed and the delay in filing the appeal is condoned. The application stands disposed of.

Cr. MP (M) No.887 of 2019.

The present application, under Section 378 (3) of the Code of Criminal Procedure, has been maintained by the

applicant/appellant. As per the applicant, there are sufficient grounds for granting the leave to file an appeal against the judgment of acquittal of respondent-accused, passed by the learned Trial Court.

Heard. At this stage, taking into consideration the fact that the appellant has arguable points in the appeal, leave to appeal is required to be granted. Accordingly, the leave to appeal is granted. Application disposed of accordingly.

Cr. Appeal No. _____ of 2019.

Appeal be registered.

Admit.

Accused/respondent is directed to furnish personal bond in the sum of ₹10,000/- (rupees ten thousand only) with one surety in the like amount, to the satisfaction of learned trial Court within eight weeks with an undertaking to appear this Court as and when called upon to do so and to surrender in order to serve out the sentence, in case ultimately the appeal is allowed.

Copy dasti.

**(Chander Bhusan Barowalia)
Judge**

31st July, 2019
(CS)