

The State of Madhya Pradesh Vs. Rajkumar

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Court : Madhya Pradesh

Decided On : Jan-23-2013

Appellant : The State of Madhya Pradesh

Respondent : Rajkumar

Judgement :

M.Cr.C No.10995 o

23. 01.13 Shri Geetesh Singh Thakur, PL, counsel for the applicant.

Heard on the question of admission.

On behalf of State of Madhya Pradesh, this petition is preferred under section 378(4) of the Cr.P.C for grant of leave to appeal against judgment dated 29.7.09 passed by I ASJ.Sohagpur, District Hoshangabad in Cr.A.No.59/06 whereby the judgment dated 20.6.06 passed by the JMFC Sohagpur in Criminal Case not No.608/05 convicting and sentencing to the respondent No.1 and 2 namely, Rajkumar and Uma Devi for the offence under section 498-A of the IPC and under section 4 of the Dowry Prohibition Act, has been set aside and they have been acquitted in appeal.

Having heard, perused the record of both the courts below (it is noted that the record of Sessions Court is available in present M.Cr.C.While the record of trial court is available with connected M.Cr.C.No.10305/09 filed by the victim against affirming the acquittal of the other co-accused by the revisional court) I am of the

considered view that in the available circumstances, the impugned judgment acquitting the respondents requires reconsideration in the light of the findings of the trial court whereby the aforesaid respondents were convicted.

So, by allowing this petition, the leave to appeal against the impugned judgment of the appellate court till the extent of respondents, is hereby granted.

Now, office is directed to register the same as criminal appeal and list this matter before appropriate bench having the roster of criminal appeal along with the record of M.Cr.C.No.10305/09 for admission.

(U.C.Maheshwari) Judge MKL

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