



HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 89 of 2015

Ajay Kumar Reddy S/o Parmanand Reddy Aged About 42 Years R/o D/19, Sector-1, Devendra Nagar, Raipur, Police Station And Post Raipur, Civil And Rev. Distt. Raipur Chhattisgarh.

... Appellant/Complainant

versus

1 - Smt. Rajshri, D/o Bramhm Raj Naidu Aged About 41 Years R/o 1a, Street 36, Sector 8, Bhilai Nagar, Police Station And Post Durg, Civil And Rev. Distt. Durg Chhattisgarh. Teacher Through Principal, Shri Shankracharya Engineering College Junwani Durg Chhattisgarh.,

2 - Bramhm Raj Naidu S/o Rangraj Naidu Aged About 65 Years R/o Qtr. No. 4, Road No. 1, Panchsheel Sector-B, Borsi, Durg, Police Station And Post Durg, Civil And Rev. District Durg Chhattisgarh.

3 - Smt. Pushpa Naidu W/o Bramhm Raj Naidu Aged About 62 Years R/o Qtr. No. 4, Road No. 1, Panchsheel Sector-B, Borsi, Durg, Police Station And Post Durg, Civil And Rev. District Durg Chhattisgarh.,

4 - State Of Chhattisgarh Through Collector, Durg, District Durg Chhattisgarh.

... Respondents

For Appellant	: Mrs. Shital Sharma appears on behalf of Shri Vaibhav A. Goverdhan, Advocate.
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For Respondents 1 to 3	: Shri Swapnil Thawaney appears on behalf of Shri P.R.Patankar, Advocate.
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For Respondent 4/State	: Shri Narayan Prasad, Panel Lawyer.
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(HON'BLE SHRI JUSTICE RADHAKISHAN AGRAWAL)

Judgment on Board

16/03/2026

1. This appeal, filed under Section 378 (4) of the Cr.P.C by the appellant/complainant, is directed against the judgment dated 13.12.2014 passed in Criminal Appeal No.124/2013 by the Additional Sessions Judge,



Durg (C.G.) whereby the learned Sessions Judge dismissed the Criminal Appeal preferred against acquittal of the respondents No.1 to 3, as not maintainable. The said Criminal Appeal No. 124/2013 arises out of the judgment passed on 14.12.2011 by the learned J.M.F.C. in complaint case No.307/2011 acquitting the respondents No.1 to 3/accused persons of the charge under Section 406/34 of IPC.

2. Learned counsel appearing for the appellant/complainant submits that although the learned J.M.F.C. has acquitted the accused persons/respondents No.1 to 3 herein of the charge under Section 406/34 of IPC, but such offence is cognizable and non-bailable, therefore, he prays for withdrawal of this appeal with liberty to file the same before the concerned Sessions Judge. She placed his reliance on the order dated 25.09.2019 passed in CrMP No.2107/2019 (*State of Chhattisgarh vs. Mohanlal Bagde*) by a coordinate Bench of this Court.

3. Learned counsel for the respondents does not object the submission made by the learned counsel for the appellant.

4. Heard learned counsel for the parties and perused the documents on record.

5. Considering the submissions made herein above and also in the light of order dated 25.09.2019 as referred herein above, this Court is inclined to permit the appellant to withdraw this appeal by granting him liberty to prefer the appeal against the impugned judgment dated 13.12.2014 before the concerned Sessions Judge within a period of 60 days from the date of receipt of copy of this order. Ordered accordingly. It is clarified that if such appeal is filed before the concerned Session Judge within the time prescribed by this Court, it would not insist upon the limitation while deciding the same and will proceed to decide the same in accordance with law.



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6. In that view of the matter, Registry is directed to return the certified copy of the impugned judgment after obtaining the attested photocopy of the same.
7. The record of the case be sent back to the concerned Court forthwith.
8. In view of the above, the present appeal stands disposed of.

Sd/-
(Radhakishan Agrawal)

JUDGE