

(2018) 02 CHH CK 0175
Chhattisgarh High Court
Case No: ACQA No. 165 Of 2017

State Of Chhattisgarh

APPELLANT

Vs

Kuldeep Singh

RESPONDENT

Date of Decision: Feb. 8, 2018

Hon'ble Judges: Prashant Kumar Mishra, J; Ram Prasanna Sharma, J

Bench: Division Bench

Advocate: Rajendra Tripathi, Rajesh Roshan Singh

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra J

1. Heard.

2. The matter was posted today for hearing on two interim applications (I.A. No.1/2018 for taking document on record and I.A. No.2/2018 for urgent hearing), both preferred by the respondent.

3. Shri Rajesh Roshan Singh, learned counsel for the respondent would submit that against the same impugned judgment, the prosecutrix had earlier preferred an application for leave to appeal bearing CRMP No. 1047 of 2016, which has been dismissed at the admission state itself, on 20.10.2016, however, the present appeal appears to have been admitted on 09.08.2017. He would submit that there cannot be two different orders against the same judgment, therefore, the present appeal also deserves to be dismissed.

4. Learned State counsel would not dispute the factual position that against the same impugned judgment of acquittal, the leave to appeal preferred by the prosecutrix stands dismissed by the Court at the admission stage itself.

5. We have no reason to disagree with the argument advanced by learned counsel for the respondent that against the same judgment of acquittal, once an acquittal appeal has been dismissed at the admission stage, the subsequent appeal by the State is bound to fail.
6. Accordingly, we have no other option but to dismiss this appeal on the same reasoning on which the CRMP No. 1047 of 2016 preferred by the prosecutrix was dismissed.