

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 294 of 2015

1. State Of Chhattisgarh Through - District Magistrate Dantewada
Chhattisgarh

---- Appellant

Versus

1. Pawan Kumar S/o Sohan Lal, aged about 29 years, R/O Village - Jeera,
Police Station Jeera, Distt. Firozpur (Punjab) Present R/O Constable, D.I.G.
Office, Dantewada, Distt. Dantewada (Chhattisgarh)

---- Respondent

For Appellant. - Mr. Satish Gupta, Govt. Advocate for the State.

Hon'ble Shri Justice T. P. Sharma
Hon'ble Shri Justice Inder Singh Uboweja

Judgment On Board
(27/04/2015)

Per T.P.Sharma, J.:-

1. This is petition for grant of leave to appeal against the judgment of acquittal dated 07.01.2015 passed by the Additional Sessions Judge (FTC), Dantewada (C.G.) in S.T.No.147/2014, whereby the trial Court has acquitted the respondent of the charge framed under Section 376 of the IPC.
2. Registry has pointed out defaults.
3. We have perused the petition, copy of charge-sheet and copy of deposition.
4. Court below has acquitted the respondent for the offence punishable under Section 376 of the IPC in absence of any evidence against him.
5. We have perused the copy of deposition of Prosecutrix (PW/1), who has not stated any single word against the respondent. Prosecutrix is a major. In absence of any word by prosecutrix against the respondent relating to commission of offence, no option except to acquit the respondent was left to the Court below. Therefore, by

acquitting the respondent, the trial Court has not committed any illegality warranting any interference by this Court for considering the case for grant of leave to appeal against the judgment of acquittal.

6. Consequently, the petition for leave to appeal is liable to be dismissed and is hereby dismissed at the motion stage itself.

JUDGE

JUDGE

Vijay