

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 568 of 2015**

The State of Chhattisgarh, Through District Magistrate, Jashpur,
Chhattisgarh.

---- Appellant**Versus**

Koyo @ Amrit S/o Sahdev Ram Kumhar, Aged about 30 years,
R/o Sarnatoli, Jashpur, P.S. Jashpur, District Jashpur,
Chhattisgarh.

---- Respondent

For Appellant/State : Shri B. Gopa Kumar, Deputy Advocate
General.

**HON'BLE SHRI NAVIN SINHA, CHIEF JUSTICE &
HON'BLE SHRI P. SAM KOSHY, J.**

Judgment On Board**Per NAVIN SINHA, C.J.****13/7/2015**

1. IA No. 1 of 2015 has been filed to condone the delay of 11 days in filing the present petition for leave to appeal. For reasons mentioned in the application, delay is condoned.
2. The present petition assails the acquittal of the Respondent in Sessions Trial No. 81 of 2014 dated 21.1.2015 by the Additional Sessions Judge (FTC) Jashpur, of the charge under Sections 376(2), 370(2) and 374 IPC.
3. Learned Counsel for the State submits that there has been misappreciation of evidence of the prosecutrix PW-9.
4. The prosecutrix (PW-9) was a married woman with two children. Her husband was in custody in another case. She developed intimacy with the Respondent, established physical relations with him

for a period of time, ventured to Delhi for employment. When she was molested for the first time, she acknowledged having told no one in the village about it. There was also contradiction in her evidence with regard to any molestation done when the Respondent had taken her to Delhi.

5. We have also perused the evidence of PW-9 recorded on 2.8.2014 and find no reason to come to any different conclusion than the one that arrived at by the Trial Judge with no specific allegation made against the Respondent.

6. An order of acquittal does not warrant interference lightly. The appeal is dismissed.

(Navin Sinha)
CHIEF JUSTICE

(P. Sam Koshy)
JUDGE