

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 571 of 2015**

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

---- Appellant**Versus**

Guddu @ Punitdas S/o Pusaudas Manikpur, Aged about 45 years, Occupation Labourer, R/o village Rajkudi, P.S. Bemetara, District Bemetara, Chhattisgarh.

---- Respondent

For Appellant : Shri Ravindra Agrawal, Panel Lawyer.

Hon'ble Shri Navin Sinha, Chief Justice**Hon'ble Shri P. Sam Koshy, J.****Order on Board****Per Navin Sinha, Chief Justice****11/08/2015**

1. The present application for leave to appeal has been filed assailing the order of acquittal dated 12.3.2015 of the Respondent under Section 376 IPC, ordered by Additional Sessions Judge, Bemetara, in Sessions Trial No. 1 of 2015.
2. Learned Counsel for the State submits that the Learned Trial Court has misappreciated the evidence to arrive at the conclusion of acquittal. The Prosecutrix has adequately explained that due to fear of social ridicule, she had not lodged the report earlier.
3. We have considered the submissions on behalf of the Appellant/State and examined the judgment of the Trial Court.
4. The Prosecutrix was 40 years of age. Her husband had died 10-12 years ago. The Respondent was 45 years of age. They were found in a compromising position by the younger sister of the Prosecutrix. The Prosecutrix believed that she had become pregnant from the Respondent leading to institution of the prosecution. The evidence of the Doctor (PW-9) has revealed that she was not pregnant. The Prosecutrix acknowledged that if

she was aware that she had not conceived, she would not have lodged the report.

5. We find no reason to grant leave to appeal.
6. The application for leave to appeal is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE