

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 661 of 2015**

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

---- Appellant**Versus**

1. Tirath Lodhi S/o Babulal Lodhi, Aged about 24 years.
 2. Pangu @ Devnarayan Lodhi S/o Muritram, Aged about 22 years.
 3. Ramashankar @ Bharra Lodhi S/o Sadhulal, Aged about 22 years.
- All Resident of Ramtala P.S. Pathariya, District Mungeli, Chhattisgarh.

---- Respondents

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

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Order on Board**Per Navin Sinha, Chief Justice****28/09/2015**

1. The present application for leave to appeal is barred by 235 days.
2. The State questions acquittal of the Respondents under Section 376 (d) IPC in Sessions Trial No. 24 of 2013 ordered on 25.8.2014 by the Additional Sessions Judge, Mungeli.
3. Learned Counsel for the State submits that in an allegation of the present nature, the evidence of the prosecutrix is sufficient by itself and substantive in nature. Acquittal should not have been ordered. Immediately after the occurrence, the victim went to the Sarpanch and then the prosecution was instituted.
4. We have considered the submissions on behalf of the State.
5. According to the allegations, the prosecutrix was allegedly ravished by three persons in the fields while she had gone to answer call of nature. The

Trial Judge has aptly opined that in such a situation, there would have been some injuries on her person which were completely missing. The place of occurrence was barely 10-12 feet from a public lane and yet the prosecutrix did not make any efforts to seek help by shouting or otherwise. The medical report did not confirm that she was ravished by three persons. There were inconsistencies between her police statement and Court deposition. The prosecutrix, PW-2, Gopal Sahu, PW-3 and Sukhnandan, PW-6 have deposed of previous enmity between the parties because of the Respondents not allowing the Tractor to go through their fields. Considering all these aspects, the Trial Court was satisfied that the allegation against the Respondents could not be said to have been proved beyond reasonable doubt. The acquittal being reasoned, we find no reason to interfere with the same.

6. Delay is condoned. The application for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE