

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 365 of 2016**

State Of Chhattisgarh Through Police Station Incharge, Balod, District
Balod, Chhattisgarh.

---- **Petitioner****Versus**

Gajendra Kumar S/o Raj Kumar Nagwanshi Aged About 21 Years R/o
Ward No. 20, Budhapara, Balod, District Balod, Chhattisgarh.

-----**Respondent**

 For Petitioner/State:

 Shri UKS Chandel, Panel Lawyer.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy
Order on Board

Per Navin Sinha, Chief Justice**20.4.2016**

1. The present application has been filed for leave to appeal against acquittal dated 28.9.2015 under Section 376 IPC by the 1st Additional Sessions Judge, Balod in Sessions Trial No.96/2014.
2. Learned Counsel for the State submits that the prosecutrix, PW-1 has identified the Respondent in the dock.
3. The prosecutrix, PW-1 in her cross-examination took the plea that she could not identify the Respondent while he was committing the act, a plea very difficult to accept. Furthermore, in her statement recorded under Section 164 Cr.P.C before the Magistrate, she named one Rajendra while the Respondent is Gajendra. The aforesaid two issues become relevant when in her cross-examination she again acknowledges that she lodged the complaint on the asking of one Domesch Sahu and Shyam Sunder.

4. We find no reason to entertain the application for leave to appeal.
5. IA No.1/2016 to condone delay is allowed.
6. The application is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Priya