

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1013 of 2018

- State Of Chhattisgarh Through- Police Station Jaijaipur, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- Ajay Chauhan S/o Shri Leelambar Aged About 21 Years R/o- Paseed, P.S. Sakti, District- Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner/State	: Shri Anil Pillai, Dy. A.G.
For Respondent	: None present

Hon'ble Mr. Justice Manindra Mohan Shrivastava
Hon'ble Mrs. Justice Rajani Dubey

Order on Board by Manindra Mohan Shrivastava, J.

07/08/2018

Heard on prayer for grant of leave to appeal.

Learned Dy.A.G would argue that the trial court committed gross illegality and perversity in acquitting the respondent/accused only because the prosecutrix has turned hostile and ignoring the other evidence on record particularly the evidence of the doctor (PW-7) who proved that the prosecutrix was carrying pregnancy of 8 weeks and ignoring the medical evidence that at the time of lodging the report she was less than 18 years of age.

We find that the learned trial court found the case of the prosecution not proved beyond reasonable doubt in view of the emphatic statement made by the prosecutrix (PW-4) herself that she was not subjected to rape by the accused/respondent. Relying mainly on the prosecutrix's statement,

learned trial court acquitted the respondent/accused.

Considering the evidence on record and the statement of the prosecutrix, we do not find that present is a fit case for grant of leave to appeal. Accordingly the application is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge