

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.91 of 2018**

- State Of Chhattisgarh Through Station House Officer, Police Station Mohla, District Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

- Naresh Kumar Shende S/o Rajendra Kumar Shende Aged About 23 Years R/o Village Markatola, Police Station Mohla, District Rajnandgaon, Chhattisgarh.

---- Respondent

 For the Petitioner/State : Shri Vivek Sharma, Govt. Advocate
 For the respondents : Shri SS Baghel, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****10.10.2018.**

1. Heard on IA No.01/18 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 56 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This appeal has been preferred against judgment of acquittal dated 03.7.2017 passed by Additional Session Judge (FTC) Rajnandgaon (CG) in Session Case No.24/2016 wherein the said Court acquitted the respondent of the charges under Section 366, 376(2) and 312 of the Indian Penal Code, 1860.

5. In the present case, prosecutrix (PW-1) has not supported the version of the prosecution. As per the version of this witness nothing happened to her and the respondent committed nothing against her. This witness has not stated anything against the respondent even when leading questions were put to her by the prosecution. Maximum witnesses adduced by the prosecution are related to a meeting convened on the matter.

6. The trial Court has elaborately discussed the entire evidence and came to a conclusion that the evidence of commission of offence is basically lacking. This Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case.

7. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-

(Ram Prasanna Sharma)
JUDGE