

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2329 of 2018**

- State Of Chhattisgarh Through Station House Officer ,police Station Chalgali , District Balrampur-Ramanujganj Chhattisgarh.

---- Appellant**Versus**

- Sukhsel Xalxo S/o Kanwar Sai Aged About 25 Years R/o Village Rampur ,police Station Chalgali ,district Balrampur -Ramanujganj Chhattisgarh.

---- Respondent

For State
For Respondent

Shri Anupam Dubey, Dy. G.A.
None.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Shri Justice Gautam Chourdiya
Order On Board

22/11/2018

1. Heard on prayer for grant of leave to appeal.
2. Learned counsel for the appellant submits that the learned trial Court has acquitted the respondent of the charges under Section 450, 376(2) and 506 of IPC, even though the prosecutrix has clearly stated regarding respondent/accused frequently coming to her house, abusing and assaulting her.
3. We have gone through the impugned judgment and the evidence particularly that of the prosecutrix PW-1, who has not supported the case of the prosecution. Insofar as the allegation of commission of rape is concerned, she has emphatically denied such a suggestion given by the prosecution after she was declared hostile. Even though in her cross-examination, she has admitted suggestion that she used to be threatened and assaulted by the appellant, there are no details of the date, time and place of such alleged assault or threat. The statement

elicited in her cross-examination by the prosecution after she being declared hostile, is otherwise too vague, unspecific and therefore the respondent has rightly been acquitted by the learned trial Court.

4. We do not find present to be a case where acquittal has taken place ignoring strong incriminating evidence. Accordingly, the CRMP preferred by the State being bereft of any substance is liable to be and is hereby dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Akhilesh