

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 772 of 2017

- State Of Chhattisgarh Through Police Station Janjgir, District Janjgir Champa, Chhattisgarh

---- Petitioner

Versus

1. Sahdeo Yadav, S/o Chhahura Yadav, Aged About 21 Years
2. Chhahura, S/o Parasram Yadav, Aged About 51 Years
3. Nakul S/o Chhahura Yadav, Aged About 25 Years

All R/o Village Buchihardi Police Station Baloda, Presently Residing At Rakesh Shukla Pump House Barpali, Police Station Naila, District Janjgir Champa, Chhattisgarh

---- Respondents

For Appellant

Shri Subhash Yadav, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mrs. Rajani Dubey

Order On Board

16/05/2019

1. Respondent No.1 Sahdeo Yadav is the brother-in-law (Devar), whereas the respondent No.2 Chhahura and respondent No.3 Nakul are the father-in-law and husband, respectively, of the prosecutrix (PW-1), aged about 28 years. She lodged an FIR alleging that her brother-in-law, father-in-law and husband committed forcible sexual intercourse, one after another on the date of incident. The prosecutrix was sent for medical examination, however, the Physician finding that she has not sustained any external or internal injuries nor there is any sign or recent of sexual intercourse, she was not sent for expert opinion.

2. The Trial Court has acquitted the accused persons on the reasoning that the prosecution story to the effect that commission of rape by brother-in-law and father-in-law in the presence of her husband and thereafter sexual intercourse by the husband also in the same sequence of events does not appear to be palatable.
3. Having seen the documents, particularly the contents of FIR, statement under Section 161 of CrPC and the Court statement of the prosecutrix, we are not inclined to take any different view of the matter. The Trial Court has considered all the relevant evidence adduced by the prosecution to conclude that the prosecution has not been able to prove its case beyond reasonable doubt.
4. There is no substance in this application seeking leave to appeal. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Rajani Dubey
Judge