

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.660 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Antagarh, District North Bastar Kanker Chhattisgarh. (Prosecution), District : Kanker, Chhattisgarh

---- Petitioner**Versus**

- Santosh Yadav S/o Soansai Yadav Aged About 26 Years R/o Shyamnagar, Antagarh, Police Station Antagarh, District Kanker Chhattisgarh. (Accused), District : Kanker, Chhattisgarh

---- Respondent**PRESENT:-**

Shri Vikash Shrivastava, Panel Lawyer for Appellant/State.

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey
Order on Board

Per Manindra Mohan Shrivastava, J.**26/04/2019**

1. Heard on application (I.A.No.1) for condonation of delay in filing of acquittal appeal.
2. Upon due consideration, the application is allowed and the delay in filing the appeal is hereby condoned.
3. Also heard on prayer for grant of leave to appeal.
4. Learned counsel for the appellant/State submits that the prosecution case is established from circumstantial evidence, FIR and other evidence showing relationship between the appellant and the prosecutrix. It is further submitted that there is one eye-witness of the incident, who had seen the appellant committing rape on the prosecutrix.
5. We have gone through the impugned judgment of acquittal and the evidence on record, particularly that of the prosecutrix herself.
6. The prosecutrix has not supported the case of the prosecution and all that, she has said that there was quarrel between the appellant and the prosecutrix and except that, nothing happened to her. He states that the appellant did not commit any rape on her and has remained firm, even after, she having been declared hostile by the

prosecution.

7. In view of the aforesaid evidence, the learned trial Court found the case of the prosecution doubtful and granted benefit of doubt and acquitted the respondent-accused. On the basis of the statement of the prosecutrix herself, in our view, the finding recorded by the learned trial Court cannot be said to be perverse nor suffering from perversity and illegality. As there is a limited scope of interference in the impugned judgment of acquittal, we are not inclined to grant leave to appeal.

8. Accordingly, the instant Criminal Miscellaneous Petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Rajani Dubey)
Judge