

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 851 of 2019**

State Of Chhattisgarh Through- Police Station- Manpur, District- Rajnandgaon,  
Chhattisgarh

**---- Petitioner**

**Versus**

1. Basant S/o Shri Tijau Dhalane Aged About 22 Years R/o Village-Jabkasa,  
Police Station- Manpur, District- Rajnandgaon, Chhattisgarh
2. Phooldas S/o Bhikham Singh Tadiya Aged About 19 Years R/o Village-  
Jabkasa, Police Station- Manpur, District- Rajnandgaon, Chhattisgarh
3. Govind S/o Sardar Singh Netam Aged About 23 Years R/o Village Boriya,  
Police Station- Khadgaon, District- Rajnandgaon, Chhattisgarh

**--- Respondents**

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For Petitioner/State : Mr. Suryakant Mishra, Panel Lawyer.

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**DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**10/05/2019**

1. Heard on application (I.A. No. 1) for condonation of delay in filing the appeal.
2. Upon due consideration, the application is allowed.
3. Delay in filing the appeal is condoned.
4. Heard on prayer for grant of leave to appeal.
5. Though, learned State Counsel submits that specific report involving respondent-accused was filed in the police station resulting in filing of charge sheet and prosecution evidence that such a report was lodged at the instance of the prosecutrix involving respondent-accused and the undergarments of the prosecutrix contained seminal stains as per the FSL report, in our opinion, learned trial Court committed no perversity or legality much less patent one in acquitting respondent-accused. The prosecutrix (PW 4) has not supported the prosecution case. She has gone to the extent of stating that she does not even know the respondent-accused. On the face of such evidence, the only view which could be taken, has been taken by the learned trial Court. Therefore, there is no scope of interference with the judgment of acquittal.
6. The application for grant of leave to appeal is accordingly rejected.

7. The petition is accordingly dismissed.

**Sd/-**  
**(Manindra Mohan Shrivastava)**  
**Judge**

**Sd/-**  
**(Rajani Dubey)**  
**Judge**

Ravi