

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 870 of 2019**

- State Of Chhattisgarh Through-The Incharge, Police Station-Kusmi, District-Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner**Versus**

- Jagdeo S/o Bhoya, Uraon Aged About 50 Years R/o Village Tripuri Sarnatoli, P.S. Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Petitioner / State : Shri Suryakant Mishra, Panel Lawyer

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****17/06/2019**

Heard on application for condonation of delay in filing the CrMP.

Upon consideration, the application is allowed.

Also heard on application for grant of leave to appeal.

Learned State counsel would argue that even though the prosecutrix (PW1) supported the evidence of her husband-Chamru (PW2), has clearly stated that while she was sleeping in the night, the respondent / accused came to her house and committed rape, learned Trial Court has acquitted the respondent without there being any reasonable doubt created in the prosecution story.

We have gone through the impugned judgment and the evidence led by the prosecution particularly the evidence of the prosecutrix (PW1).

According to the prosecutrix, while she was sleeping in the night, the appellant came inside and committed rape on her. She later on realized that some other person and not her husband sleeping by her side, was engaged in sexual intercourse with her. Taking into consideration that the door was found open, the husband of the prosecutrix was sleeping by her side and the allegations that some other person has committed sexual intercourse on her and she has come to know only on a later part of the whole affair, the respondent / accused has been granted benefit of doubt.

The view which has been taken by the learned Trial Court on the basis of evidence of the prosecutrix and other witnesses appears to be plausible and possible. Therefore, keeping in forefront the limited scope of interference against judgment of acquittal, we do not find any good ground to interfere with the judgment of acquittal.

Application for grant of leave to appeal is therefore rejected. The present CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge