

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 875 of 2019

- State of Chhattisgarh through the Incharge Police Station Sankara District- Mahasamund (C.G.)

Versus

- Pramod Sahu S/o Shyamlal, aged about 18 years, R/o. Village Bhagat Dewari, P.S. Sankara, District Mahasamund (C.G.)

---- Respondent

For Petitioner/State : Shri Subhash Yadav, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Smt. Justice Rajani Dubey

18/06/2019

1. Heard on I.A. No 1/2019 application for condonation of delay in filing the petition.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Application for grant of leave to appeal has been filed by the State in the matter of acquittal of respondent vide judgment dated 07.08.2018 passed in Special Criminal Case No. H-07/2018 by Additional Sessions Judge, Rajnandgaon (C.G.).
6. Learned counsel for the State submits that on the serious allegation of committing rape of eight years old girl, the learned

trial Court has acquitted the respondent on the ground that there is no clinching evidence adduced by the prosecution to connect the respondent/accused with the alleged commission of offence. The Learned trial Court committed illegality and perversity in granting acquittal to the accused only on the ground that prosecutrix and her parents did not remain firm, ignoring the clinching evidence on record with regard to the age of the prosecutrix, that is 8 years old only, on the date of incident.

7. After going through the impugned judgment of acquittal and evidence on record, particularly that of the Prosecutrix (PW-1), her father (PW-3) and her mother (PW-9), we find that the trial Court has granted benefit of doubt to the accused/ respondent. No material evidence was adduced by the prosecution. Therefore, in these circumstances, the judgment of learned trial Court does not suffer from any patent illegality and perversity so as to warrant interference by this Court.
8. Taking into consideration the limited scope of interference against the judgment of acquittal, we are not inclined to grant to leave to appeal.
9. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge