

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 904 of 2019

- State Of Chhattisgarh Through The Incharge Police Outpost Wadrafnagar, Police Station Basantpur District Balrampur Ramanujganj Chhattisgarh

---- Petitioner

Versus

- Shambhu Singh Uikey S/o Surdayal Singh Uikey Aged About 21 Years R/o Village Bhityahi, Police Station Ramanujganj District Balrampur Ramanujganj Chhattisgarh

---- Respondent

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

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/06/2019

Heard on I.A.No.1, application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration of the cause shown, the application for condonation of delay is allowed.

Delay is condoned.

Also heard on application for grant of leave to appeal.

Though learned State counsel submits that from the entire evidence of the prosecutrix and what was stated by her in her statement under Section 164 CrPC, there is clear statement with regard to she having been subjected to sexual intercourse by the respondent / accused and the prosecutrix being minor, after going through the statement of the prosecutrix (PW1), we find that the prosecutrix has not whispered at any point of time that the respondent / accused has committed any

sexual intercourse on her.

Having considered the aforesaid evidence of the prosecutrix, learned Trial Court has acquitted the respondent / accused by giving him benefit of doubt with which this Court finds no exception having limited scope of interference with the judgment of acquittal.

The 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