

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 968 of 2019

- State Of Chhattisgarh Through Its Station House Officer, Police Station Pathariya, District- Mungeli, Chhattisgarh

---- Petitioner

Versus

- Bihari Lal Bandhe S/o Late Sudhe Ram Bandhe Aged About 30 Years R/o Village Bhojpuri, Police Station Hirri, District- Bilaspur, Chhattisgarh

---- Respondent

For Petitioner / State : Shri Vikas A. Shrivastava, Panel Lawyer

**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 prayer for grant of leave to appeal.

Learned State counsel would argue that even though the victim (PW3) has clearly stated that without her knowledge, abortion pill was mischievously administered to her by her husband, after going through the evidence on record, particularly the medical evidence, we do not find that there is any clinching evidence to prove beyond doubt that abortion was triggered by medicine. In addition, we also find that there is evidence that the victim was otherwise carrying pregnancy which was quite weak and time and again, she was medically advised to take certain medicines regularly to save pregnancy. In the background of this evidence, learned

Trial Court has granted benefit of doubt to the respondent / accused. We also find that the allegations with regard to commission of act of cruelty have centered around the overt act of administering abortion pills and independently, there are no specific incident of cruelty stated in the evidence of the victim. Therefore, the judgment of the learned Trial Court granting benefit of doubt and acquitting the respondent does not appear to be suffering from patent illegality or perversity so as to warrant interference by this Court.

The application for grant of leave to appeal is therefore rejected. Present CrMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge