

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 974 of 2019

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunkuri, District : Jashpur, Chhattisgarh

---- Petitioner

Versus

- Sofiq Rai S/o Babban Rai Aged About 23 Years R/o Adarsh Nagar, Kunkuri, Police Station Kunkuri, District : Jashpur, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Neeraj Kumar Mehta, PL

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

19.06.2019

1. Heard on application for grant of leave to appeal.
2. Though, learned counsel for the State submits that prosecutrix evidence read along with 164 Cr.P.C. statement proves that the prosecutrix was subjected to rape.
3. After going through the evidence of the prosecutrix, we do not find anywhere in her statement that she had made an allegation of she having been subjected to rape.
4. The view which has been taken by the learned Court does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view that limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.
5. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge