

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1133 of 2019

- Applicant

Versus

- Respondents

For Applicant-State :- Shri Suryakant Mishra, P.L.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Smt Rajani Dubey, JJ.

Order on Board

By

Prashant Kumar Mishra, J

08/07/2019

1. Heard learned State counsel on I.A. No.1 as also on admission.

I.A. No.1 of 2019

2. This is an application for condonation of delay in filing the

application seeking leave to appeal.

3. On due consideration, the application is allowed and delay of 51 days in moving the application is condoned. Accordingly, I.A. No.1 stands disposed of.
4. The trial Court has acquitted the accused Nos. 1 and 2 of the charges under Section 376 (1) and under Sections 109 and 376/34 of IPC respectively.
5. The prosecutrix is aged about 19 years, when examined in Court she has resiled from the allegation and has turned hostile. She has not supported the prosecution even during her statement in cross examination.
6. Considering the quality of the evidence available on record we are not inclined to grant leave to appeal to the State for filing the acquittal appeal.
7. Accordingly, the application for seeking leave to appeal is dismissed.

Sd/-

Prashant Kumar Mishra)
Judge

Sd/-

(Rajani Dubey)
Judge

Ankit