

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1315 of 2019**

- State Of Chhattisgarh Through The Incharge Police Station Bhakhara, District Dhamtari Chhattisgarh.

---- Petitioner**Versus**

1. Bisahuram Jangde S/o. Dhamsai Jangde, Aged About 65 Years,
2. Hemraj Jangde S/o Bisahu Jangde Aged About 43 Years,

Both are Resident Of Village Kumhari, Police Station Bhakhara, District Dhamtari Chhattisgarh.

---- Respondents

For State :- Shri Neeraj Mehta, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board
By
Prashant Kumar Mishra, J

17/07/2019

1. On due consideration delay of 02 days in filing the application seeking leave to appeal is condoned.
2. Accordingly, I.A. No.01 of 2019, application for condonation

of delay in filing of instant Criminal Misc. Petition stands allowed.

3. The trial Court has acquitted both the accused of the charges under Sections 420/34, 323/34, 294 of the I.P.C. The accused No.1 Bisahuram Jangde has also been acquitted of the charges under Sections 376 and 506 B of I.P.C.
4. A reading of the statement of prosecutrix examined as PW-5 would reveal that she was residing with accused Hemraj for about 02 years and during this period she was regularly withdrawing amount from her account at Co-operative Bank. She makes allegations that on every withdrawal accused Hemraj used to retain the amount without giving anything to her. She alleges commission of rape twice by Bisahuram when she was staying in the house of Hemraj, however, she also admits that Bisahuram is old aged person and was not keeping well. In her examination in chief she would speak about obtaining loan from Co-operative Bank, selling her land to repay the loan etc. Thus, there appears some transaction between the accused and the prosecutrix involving sale of land and its consideration.
5. The prosecutrix is aged about 60 years whereas accused Bisahuram is aged about 65 years and his son Hemraj,

accused No.2 is aged about 43 years. There is no allegations of commission of rape on accused No.2, Hemraj.

6. Considering the totality of the evidence and transaction between the parties involving sale of land and further dispute about retaining the amount withdrawn from the Co-operative Bank, it cannot be ruled out that the allegation may be incorrect.
7. The judgment of Acquittal rendered by the trial Court does not appear to be without any reasoning nor does it suffer from perversity, no case for grant of leave to appeal is made out, therefore, CRMP is dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi