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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1414 of 2019**

- State Of Chhattisgarh Through The Incharge Police Outpost Sonkyari , Police Station Sanna, District Jashpur Chhattisgarh.

---- **Petitioner****Versus**

- Pramod Ram S/o Sastu Ram Nageshiya Aged About 25 Years Caste Nageshiya, R/o Village Tamiya, Post Office Sonkyari , Police Station Tamiya, District Jashpur Chhattisgarh.

---- **Respondent**

For Petitioner/StateMs. Fouzia Mirza, Additional Advocate
General and Ms. Madhunisha Singh, Panel
Lawyer

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By Prashant Kumar Mishra, J.****23/7/2019**

1. Heard on IA No.1, an application for condonation of delay of 162 days in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.

4. The trial Court has acquitted the accused of the charges under Section 376(1) of IPC.
5. The prosecutrix, aged about 27 years, has turned hostile when examined in the Court. She has not supported the case of the prosecution. She would only state that there was some altercation with the accused but no incident of commission of rape has ever taken place. Her husband PW-2 Balsevaram has also turned hostile
6. In view of the above evidence, the trial Court has rightly acquitted the accused of the charge under Section 376(1) of IPC.
7. No case for grant of leave to appeal is made out.
8. The CRMP is dismissed.
9. During the course of hearing, we enquired from learned State Counsel as to why Acquittal Appeals are filed in petty cases as also in cases where the prosecutrix is a major lady and has turned hostile or in many other cases where the prosecution has hopelessly failed to bring home the charges and there is no chance of leave being granted or the Acquittal Appeal being allowed.
10. Learned Additional Advocate General for the State would submit that a Division Bench of this Court while hearing CRMP No.967 of 2016 (Prabha Sahu Vs. State of Chhattisgarh) had observed that the State should file Appeal(s) in each and every

case of acquittal and such filing should be monitored by the Committee of Officers of the Prosecution Wing of the Home Department.

11. On the above information of learned Additional Advocate General and Mr. BP Singh, Advocate, who is present in the Court and had appeared for the complainant/victim Prabha Sahu in CRMP No.967 of 2016, we have seen the order passed by this Court on 14.9.2017 in CRMP No.967 of 2016, which was eventually converted into Acquittal Appeal No.287/2017.
12. On perusal, we find that there is no such order of the Division Bench directing filing of Acquittal Appeals or applications seeking leave to appeal in each and every case, where the accused persons have been acquitted by the trial Court.
13. This being the state of record, it is the duty of the Prosecution Officers in each District to monitor filing of Acquittal Appeals only in cases where there is evidence on record to bring home the charges yet the accused has been acquitted.
14. Acquittal Appeals or Applications seeking leave to appeal should not be filed by the State in a routine and mechanical manner but at the same time it is also to be ensured that genuine cases where the acquittal is fully unjustified should not remain without filing an Acquittal Appeal.
15. Therefore, it is directed that the trial Courts at all levels whether it is Magisterial Court or Sessions Court shall send the

copy of the judgment(s) in Criminal Cases to the informant/victim/legal heirs of the deceased so that whenever the informant/victim/legal heirs of the deceased feel that the acquittal is not in accordance with law, he/she should have an opportunity to prefer appeal within time.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Shyna