

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through SHO, PS Kansabel, Distt. Jashpur C.G.

Versus

- Respondent

For Applicant-State :- Shri R.S. Baghel, Dy. A.G.

Order On Board

By

Prashant Kumar Mishra, J.

1. On due consideration delay of 14 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 which is an application for condonation of delay in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 376, 506 Part-II of I.P.C.

3. The accused happen to be a close relative of the prosecutrix who herself is aged about 8 years. It was alleged that the accused committed forcible sexual intercourse with the prosecutrix at about 4 am on 26.09.2012. When examine in Court, the prosecutrix has turned hostile and has not supported the case of prosecution at any stage of her examination. Her uncle Pitambar (PW-2) and her elder brother Sukhcharan (PW-3) have also turned hostile. Other material witnesses have also turned hostile.
4. Considering the lack of evidence against the accused, we are not inclined to grant leave to appeal against acquittal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ayushi