

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1661 of 2019**

- State of Chhattisgarh, Through Station House Officer, Police Station Janjgir District- Janjgir Champa (C.G.).

---- appellant**Versus**

1. Vikas Patel S/o Melaram, aged about 27 years R/o Azad Chowk, War No. 5 Mangla, Police Station Civil Lines, Bilaspur District- Bilaspur (C.G.).

---- Respondent

For Appellant : Shri Pawan Keshewani, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board by Justice Prashant Kumar Mishra

30/09/2019

Heard on IA No. 01/2019, application, for condonation of delay of 77 days in filing the CRMP.

2. Upon due consideration, delay of 77 days in filing the CRMP is condoned. Accordingly, the application (IA No. 01/2019) is allowed.
3. Also Heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
4. By the Judgment dated 11.01.2019, passed by Special Judge (Atrocity), Janjgir-Champa, C.G. in Special Case No. 41/2018, accused/respondent- Vikas Patel has been acquitted of the charges under Sections 363, 366, 376 of IPC and Section 6 of

POCSO Act, 2012.

5. The prosecutrix alleged commission of rape on promise to marry however, while examined in the Court she has turned hostile and not supported the case of the prosecution at any stage of her examination. Ramkrishna (PW-1), father of the prosecutrix and Smt. Santoshi (PW-3), mother of the prosecutrix have also turned hostile.
6. Considering the quality of evidence adduced by the prosecution, the view taken by the trial Judge does not appear to be perverse, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge