

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1507 of 2018

State Of Chhattisgarh Through- Police Station Hasoud, District- Janjgir-Champa,
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

Beeru Pradhan S/o Tirturam Aged About 23 Years R/o- Village Nathpur
Badketola, Police Station Paalkot, District- Gumla (Jharkhand), District : Gumla,
Jharkhand

---- Respondent

For Appellant/State : Shri K.K. Singh, Government Advocate

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Order On Board

10/01/2019

1. Heard on IA No.1, application for condonation of delay in filing the appeal.
2. Upon due consideration of the grounds urged in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Learned State counsel would submit that even though the prosecutrix has not supported the prosecution case and turned hostile, the other evidence on record shows that the prosecutrix was a minor and recovered from Haryana State and the father of the prosecutrix has also supported the prosecution case.
5. We have carefully gone through the evidence on record particularly that of the prosecutrix.
6. The prosecutrix has even refused to identify the appellant on dock during trial and has clearly deposed before the Court that no offence was

committed by the present appellant much less commission of offence of rape against her. On the face of such evidence, the learned trial Court has taken view that the respondent-accused is entitled to benefit of doubt and acquitted. We failed to see any perversity or patent illegality in the view taken by learned trial Court in acquitting the respondent-accused on the face of statement of the prosecutrix.

7. Therefore, no case for grant of leave to appeal is made out. The Petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge