

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1580 of 2018**

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

**---- Petitioner**

**Versus**

1. Dinesh S/o Sahdev Aged About 25 Years R/o- Village Jhargaon, Police Outpost Sonkyari, Police Station Sanna, District- Jashpur, Chhattisgarh
2. Sahindar S/o Aasin Uraon R/o- Village Jhargaon, Police Outpost Sonkyari, Police Station Sanna, District- Jashpur, Chhattisgarh

**---- Respondents**

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For Petitioner/State : Shri K.K.Singh, Govt. Advocate

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**D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**07/05/2019**

Heard on I.A.No.1/18, application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Though learned State counsel would argue that the prosecution came out with a case of gang rape of the prosecutrix by the respondent, after going through the evidence of the prosecutrix (PW5), who was a married lady, there is no evidence at all that she was subjected to rape. All that has been stated by her that after consumption of liquor by her husband and respondents / accused, they entered into quarrel and during that quarrel, she was assaulted and sustained some injury. Except this, there is no allegation.

Faced with the aforesaid evidence, learned Trial Court was left with no option but to order acquittal of the respondents / accused. Therefore, we are not inclined to grant leave to appeal. The application for grant of leave to appeal is rejected. Present CrMP is accordingly dismissed.

Sd/-

**(Manindra Mohan Shrivastava)  
Judge**

Sd/-

**(Rajani Dubey)  
Judge**