

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1662 of 2018**

- State Of Chhattisgarh Through- Police Station Bagicha, District- Jashpur, Chhattisgarh

---- Petitioner

Versus

- Trilochan Yadav S/o Dhaneshwar Yadav, aged about 39 years, R/o- Village Raikera, Police Station Bagicha, District- Jashpur, Chhattisgarh.

---- Respondent

For Petitioner/State Mr. Rajesh R. Singh, Dy. GA

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By****Prashant Kumar Mishra, J****1/7/2019**

1. On due consideration, IA No.1, an application for condonation of delay of 109 days in filing the application for leave to appeal against the judgment of acquittal, is allowed and the delay is condoned.
2. With the consent of learned State Counsel, the CRMP is heard on admission.
3. The trial Court vide its judgment dated 28.12.2017 passed in

Sessions Trial No.30/2017 has acquitted the accused from the charges under Sections 366 and 376(1) of IPC.

4. Perusal of the evidence available in the record would indicate that in her statement under Section 164 of Cr.PC as well as in her deposition, the prosecutrix has not supported the prosecution as she has turned hostile and has also admitted during cross-examination that the accused has neither abducted nor committed sexual intercourse with her.
5. The prosecutrix's husband Jeeyat Bhan (PW-3) has also turned hostile. According to his statement, he got annoyed because his wife (prosecutrix) was travelling as a pillion rider on the motorcycle of the accused and he had not lodged the report regarding commission of rape.
6. No case for grant of leave to appeal is made out.
7. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Gautam Chourdiya)

Judge