

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1641 of 2018

- State of Chhattisgarh, Through The Police Station Raghunathnagar, District : Balrampur, Chhattisgarh

---- Petitioner

Versus

- Ajay Jaiswal, S/o Shri Ramcharitar Jaiswal, Aged About 23 Years, R/o Village Hardibahara, Police Outpost Balangi, Police Station Raghunathnagar, District – Balrampur, Ramanujganj, Chhattisgarh

---- Respondent

For Petitioner/State	:	Shri Neeraj Kumar Mehta, PL
For Respondent	:	None

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

19.02.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal filed by the State.
5. Learned counsel for the State submits that even though the prosecutrix has not supported the case of the prosecution and turned hostile and stated that nothing happened to her. The other circumstances and evidence on record render highly probable that the prosecutrix was subjected to rape.
6. We have gone through the impugned judgment of acquittal and the evidence led by the prosecution, particularly that of the prosecutrix PW-1, who is major, aged about 28 years. She has clearly stated in her evidence that she has not lodged any report in the police station and that the accused did not commit anything to her. Even after she was declared hostile and examined by the prosecution, she has denied the suggestion regarding any allegation of she subjected to rape.
7. On the basis of such evidence, the trial Court has found nothing on record but to grant benefit of doubt to the respondent/accused by acquitting him.

8. On the basis of said evidence that the trial Court has reached to conclusion that the prosecution has failed to prove its case beyond reasonable doubt, which it does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view the limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.
9. Accordingly, CRMP is dismissed at the admission stage itself.
10. Records of the Court below be send back forthwith.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge