

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1833 of 2018**

- State of Chhattisgarh, Through Police Outpost Chikhali, Police Station Kotwali, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

- Devendra Thakur S/o Gorelal Thakur, Aged About 23 Years, R/o Village Bajrangpur, Nawagaon, Ward No. 1, Police Outpost Chikhali, Police Station Kotwali, District Rajnandgaon Chhattisgarh.

---- Respondent

For Petitioner/State
For Respondent

Shri R.S. Baghel, Dy. A.G.
None.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Shri Prashant Kumar Mishra J.****25/09/2019**

1. Heard on I.A. No.1 of 2018.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 34 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 of 2018 is allowed.
4. The trial Court has acquitted the accused/respondent of the charge under Sections 376(2) and 506- Part II of IPC for the reason that the prosecutrix, aged about 22 years has turned hostile.
5. We have seen the statement of the witnesses.
6. The Prosecutrix examined as PW-3 has not supported the case of the prosecution. Her other relatives examined by the prosecution namely

PW-1 Toren Singh (Father), PW-2 Radha Singh (Mother), PW-5 Nand Kishor Nishad (Brother) and PW-6 Nagesh Kumar Nishad (Cousin) have also turned hostile, therefore, we are not inclined to allow the application for leave to appeal.

7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Akhilesh