

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 630 of 2017

- State Of Chhattisgarh Through The Incharge, Police Station, Raghunathnagar, District - Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- Anjani Prasad Sahu S/o Lalji Sahu Aged About 25 Years R/o Village Hardibarha, Police Chowki Balangi, Police Station Raghunathnagar, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

---

For Applicant :- Shri K.K. Singh, G.A.

---

Hon'ble Shri Justice Prashant Kumar Mishra &  
Hon'ble Shri Justice Gautam Chourdiya, JJ.

Order On BoardByPrashant Kumar Mishra, J.14/08/2019

1. On due consideration delay of 57 days in filing of instant

Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2017 which is an application for condonation of delay in filing of instant Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charges under Sections 450, 376 of I.P.C.
3. Material available on record would highlight that at the time of incident, husband of the prosecutrix was absconding for the allegation of commission of murder of mother of the accused. In addition to this, reading of entire statement of the prosecutrix particularly paragraph 9 and 10 are suggestive of a consensual relation, even if the present incident has had happened. Thus, in either case, the accused was entitled to benefit of doubt, therefore, no case for grant of leave to appeal is made out.
4. In view of the above, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-  
**(Prashant Kumar Mishra)**  
Judge

SD/-  
**(Gautam Chourdiya)**  
Judge

Ayushi