

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2301 of 2018

State Of Chhattisgarh Through The Incharge Police Station Chando, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner

Versus

Dayasagar Kujur S/o Tarsiyus Kujur Aged About 32 Years R/o Village Idrikala (Teletola), Police Station Chando, District Balrampur Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

For Appellant/State : Shri Anand Verma, Dy. Govt. Advocate

D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava & Hon'ble Mrs. Justice Rajani Dubey

Order On Board

10/01/2019

1. Heard on IA No.1, application for condonation of delay in filing the appeal.
2. Upon due consideration of the grounds urged in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Learned State counsel would submit that even though the prosecutrix (PW2) has not supported the case of the prosecution, but the other evidence on record particularly her statement prior to recording of evidence in the Court have not been taken into consideration while appreciating the evidence that the prosecutrix is a minor.
5. We have carefully gone through and scrutinized the evidence of the prosecution witnesses particularly that of the prosecutrix. The prosecutrix (PW2) has not supported the case of the prosecution and turned hostile. In her cross-examination despite suggestion given to her, she has emphatically denied that the respondent committed any criminal overt act

much less that of commission of rape against her. On the face of such evidence on record, learned trial Court has acquitted the respondent by giving him benefit of doubt. Therefore, we do not find any patent illegality or perversity so as to call for interference by this Court.

6. Therefore, no case for grant of leave to appeal is made out. The Petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge