

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2352 of 2019**

- State of Chhattisgarh, Through the Police Outpost Jalbandha, Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Petitioner**Versus**

- Sampat Verma S/o Ghanshyam Verma, Aged About 34 Years, R/o Village Peti P.O. Jalbandha, Police Station Khairagarh, District - Rajnandgaon Chhattisgarh.

---- Respondent

For Petitioner

Shri Rajendra Tripathi, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Shri Prashant Kumar Mishra J.****05/11/2019**

1. Heard on I.A. No.1 of 2019.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 06 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 of 2019 is allowed.
4. The trial Court has acquitted the accused/respondent of the charges under Sections 341, 506, 363, 366, 376(2)(j)(n) of IPC and under Sections 4 & 12 of Protection of Children from Sexual Offences Act, 2012 vide judgment dated 26.06.2019 passed by the learned Additional Sessions Judge, Khairagarh, District Rajnandgaon, C.G. in Special Sessions Trial No. 06/18.
5. In the FIR lodged on 07.12.2017, the prosecutrix alleged commission of rape by an unknown person. In her case diary statement recorded

on 11.12.2017, she alleged that two unknown persons outraged her modesty but she did not make any allegation of commission of rape. In her supplementary case diary statement recorded on 04.09.2018, she made allegation against the present accused. However, once again in her statement under Section 164 Cr.PC, she did not make any allegation against the accused. In the above background, her allegation against the accused in her Court statement has not been believed by the trial Court.

6. Having considered the entire material, we are satisfied that the finding recorded by the trial Court while acquitting the accused does not call for any interference.
7. No case for grant of leave to appeal is made out.
8. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge