

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2390 of 2018

State Of Chhattisgarh Through- The District Magistrate, District- Balrampur-
Ramanujganj, Chhattisgarh ---- appellant

Versus

Laxman @ Soya S/o Rama Sarota Aged About 29 Years R/o- Village Krishna
Nagar (Dhamni), P.S. Trikunda, District- Balrampur-Ramanujganj, Chhattisgarh
---- Respondent

For appellant : Mr. Subhash Yadav, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

21/01/2019

Heard on application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on application for grant of leave to appeal.

Learned State counsel would submit that even though the prosecutrix (PW1) has not supported the case of the prosecution in so far as allegation of commission of offence under Section 376 of IPC is concerned, as far as the allegation of the appellant committing criminal trespass threatening is concerned, there is ample evidence on record which has been wrongly disbelieved.

Having gone through the impugned judgment of acquittal and also the evidence of the prosecutrix and other witnesses, we find that the learned Trial Court has disbelieved the story of criminal trespass and abuse threat on the ground that the same is vague and that the essential ingredients of commission of offence under Section 506-B IPC are not made out.

Having considered the submission, we find that the view taken by the learned trial Court is a possible view and cannot be said to be suffered from any patent illegality or perversity so as to call for interference of acquittal by the learned trial Court. Therefore, the application for grant of leave is rejected.

The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge