

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 426 of 2018

Ku. Bajay Salam D/o Late Shri Ramu Ram Salam Aged About 28 Years
R/o Village Kerlapal ,post Binjali Police Station Narayanpur District
Narayanpur Chhattisgarh **----Applicant**

Versus

1. State Of Chhattisgarh Through Station House Officer Police Station
Narayanpur District Narayanpur Chhattisgarh., District : Narayanpur,
Chhattisgarh
2. Ravishakar Yadav S/o Late Arjune Ram Aged About 39 Years R/o Village
Banglapara Narayanpur Police Station Narayanpur District Narayanpur
Chhattisgarh., District : Narayanpur, Chhattisgarh **---- Respondents**

For Applicant : Mr. Nitesh Shrivastava, Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

16/01/2019

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.

We find that the respondent accused has been acquitted after full-fledged trial mainly on the basis that the appellant-prosecutrix, herself, has not supported the case of the prosecution, we have gone through the statement of the appellant/prosecutrix (PW4) filed by the appellant along with the memo of appeal. A reading of the same shows that the prosecutrix, herself, has not supported the case of the prosecution and the report was lodged in the background that despite repeated calls, the respondent was not responding and stated that he does not want to continue with the affair. The appellant has been declared hostile and even in the examination at the instance of the prosecution, she has not supported any allegation of commission of rape on her.

Therefore, the acquittal appeal is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge