

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2452 of 2018

The State Of Chhattisgarh Through Police Station Saria ,District Raigarh
Chhattisgarh ----- **Appellant**

Versus

Anirudha Pradhan @ Shivaji Pradhan S/o Bodh Ram Pradhan Aged About 25
Years R/o Village Rebo Sankra, Police Station ,Saria ,District Raigarh Chhattisgarh
----- **Respondent**

For Appellant : Mr. Anand Verma, 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 argue that even though the prosecutrix has not supported the case of the prosecution regarding allegation of commission of rape on her by the respondent accused, her husband and other witnesses have stated regarding the fact that the appellant had come in the night and ravished the prosecutrix.

We have gone through the impugned judgment of acquittal and also the statement of the prosecution witnesses, particularly that of the prosecutrix (PW10) has not supported the case of the prosecution. She has even refused to identify the appellant much less supporting the allegation that the respondent had entered the house and committed rape on her.

In view of this evidence of the prosecutrix, learned Trial Court committed no illegality or perversity in granting the respondent benefit of doubt and acquitting him. There is no merit in this case and the same is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge