

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2491 of 2018

- State Of Chhattisgarh Through The Station House Officer ,police Station Nevara ,District Raipur Chhattisgarh.

---- Petitioner

Versus

- Ashiqe Kumar Sande S/o Late Guddu Ram Sande Aged About 21 Years R/o Village Navagarh ,police Station Navagarh District Janjgir Champa Chhattisgarh.

---- Respondent

For Petitioner
For Respondent

:Shri K.K.Singh, GA
: None present.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Rajani Dubey

Order on Board By Prashant Kumar Mishra, J.

23/01/2019

On due consideration, delay of 95 days in filing the application seeking leave to appeal deserves to be and is hereby condoned.

I.A. No.01/2018 stands disposed of.

Heard State counsel on admission.

The trial court has acquitted the accused for the offences under Sections 363,366 & 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act for the reason that not only the prosecutrix but her father, and sister have turned hostile and have not supported the prosecution even during cross-examination.

We have perused the statement of prosecutrix examined as PW-

1, her mother Kukum Bai Anant (PW-2), her sister Vidya Anant (PW-3) and her sister-in-law (Nanad) Kunti Bai Anant (PW-6). All these witnesses have not supported the prosecution therefore the view taken by the trial court that the prosecution has not been able to prove its case beyond reasonable doubt appears to be one of the possible view in the matter. Therefore, there is no substance in this application for granting leave to register as appeal. Accordingly, it deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Rajani Dubey)
Judge