

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2537 of 2018

- State Of Chhattisgarh Through The Station House Office Police Station Kotraroad ,district Raigarh Chhattisgarh.

---- Petitioner

Versus

- Tejram Sidar S/o Muneshwar Sidar Aged About 33 Years R/ovillage Kendatikra ,police Station Lailunga District Raigarh Chhattisgarh.

---- Respondent

For Petitioner/State	: Shri Subash Yadav, GA
For Respondent	: 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 275 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 450, 376, 506 (B) IPC. The FIR was lodged by Mangal Singh Sidar, husband of the prosecutrix on the date of incident itself. However, the said FIR did not allege commission of rape on the prosecutrix. In the memorandum statement also no such disclosure

was made by the accused. The prosecutrix and her husband improved their version subsequently during recording of case diary statement. The prosecutrix has supported the allegation for the offence under Section 376 IPC but considering the statement of Dr. Amarawati (PW-8) who has not found any recent sign of rape nor recorded any definite opinion on that aspect of the matter and also for the reason that the respondent/accused was earlier also tried for offence under Section 376 IPC therefore, there is sour relation between the parties, the trial court has not committed any illegality in giving benefit of doubt to the accused.

There is no substance in the application seeking leave to appeal. Accordingly, Cr.M.P. is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Rajani Dubey)
Judge