

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 41 of 2019

The State Of Chhattisgarh, Through - Police Station – Ramchandrapur, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

Rambali Neti, S/o Ram Lakhan Neti, Aged About 25 Years, R/o Village Lodha (Mahraji Damar Para) Police Station Ramchandrapur, District Balrampur – Ramanujganj, Chhattisgarh

---- Respondent

For Petitioner : Shri Anand Verma, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

06.02.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal filed by the State.
5. Learned counsel for the State submits that the learned Trial Court committed gross perversity in acquitting the respondent/accused because there were certain minor contradictions and omissions in the statement of the prosecutrix. He would further argue that the manner in which the prosecutrix has stated before the Court, a case of commission of rape is made out because it was not with her free consent.
6. We have gone through the entire judgment of conviction and evidence led by the prosecution and particularly that of the prosecutrix. In the Court, during trial, the prosecutrix has not identified the respondent/accused and has emphatically stated that the respondent/accused was not known to her.
7. On the basis of the said evidence that the trial Court has reached to conclusion that the prosecution has failed to prove its case beyond reasonable doubt. It does not appear to be suffering from any patent illegality, perversity so as to

warrant interference by this Court, keeping in view the limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.

8. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge