

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 74 of 2019

State Of Chhattisgarh, Through Police Station- Shivrinarayan, District- Janjgir-
Champa, Chhattisgarh

---- **Petitioner**

Versus

1. Dilip Kumar Sahu, S/o Dhansai Sahu, Aged About 28 Years, R/o Village- Bilari, Police Station- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh
2. Dhansai Sahu S/o Late Ramadhar Sahu, Aged About 58 Years R/o Village- Bilari, Police Station- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
3. Rajkumar Sahu S/o Dhansai Sahu Aged About 36 Years R/o Village- Bilari, Police Station- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
4. Rajendra Sahu S/o Dhansai Sahu Aged About 40 Years R/o Village- Bilari, Police Station- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh
5. Smt. Rohini Sahu W/o Dhansai Sahu Aged About 55 Years R/o Village- Bilari, Police Station- Shivrinarayan, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- **Respondents**

For State/Petitioner : Mr. Subhash Yadav, Dy. Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

25/03/2019

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay in filing application for grant of leave to appeal is condoned.

Also heard on prayer for grant of leave to appeal.

1. Learned counsel for the State would argue that even though the prosecutrix had clearly stated that she was administered psychotic drugs and also that vermilion was prepared and that was administered, learned trial Court has acquitted the respondents giving them benefit of doubt.

2. We have carefully gone through the impugned judgment. Learned Trial Court has meticulously examined the material on record and particularly taking into consideration that the allegation of prosecutrix having been administered 10-11 alprazolam pills and vermillion, is not supported by medical evidence and the evidence of the prosecutrix appears to be exaggerated, has granted the respondents benefit of doubt. The finding of the learned Trial Court that two views are possible, one which favoured the accused should ordinarily be taken recourse to, does not suffer from any patent illegality. We do not find any clinching or incriminating evidence brought by the prosecution, ignored from consideration by learned trial Court while arriving at conclusion of prosecution case being doubtful. Therefore, we are not inclined to interfere with the impugned judgment of acquittal, keeping in view limited scope of interference against the judgment of acquittal.

3. Therefore, the present CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge