

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 628 of 2020**

- State of Chhattisgarh, Through Police Station Ajak, Janjgir, District- Janjgir Champa (C.G.).

---- appellant

Versus

1. Surendr Singh Thakur, S/o Algu Singh Thakur, aged about 23 years, Resident of Darripara, Ward No. 2, Aila, Police Station Janjgir, District- Janjgir Champa (C.G.).

---- Respondent

For Appellant : Shri Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board by Justice Prashant Kumar Mishra

12/03/2020

Heard on IA No. 01, application, for condonation of delay of 78 days in filing the CRMP.

2. Upon due consideration, delay of 78 days in filing the CRMP is condoned. Accordingly, the application (IA No. 01) is allowed.
3. Also heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
4. By the Judgment dated 11.09.2019, passed by Special Judge (Atrocity), Janjgir-Champa, C.G. in Special Case No. 09/2019, accused/respondent- Surendra Singh Thakur has been acquitted of the charges under Sections 376, 506 (B) of IPC and Section 3 (2)

(5) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (henceforth "SC/ST Act").

5. The prosecutrix aged about 23 years examined as PW-07 has not supported the prosecution at any stage of her examination. She admits that she was in love with the accused but denies that he committed forcible sexual intercourse.
6. Considering the statement of the prosecutrix and the quality of evidence adduced by the prosecution, the view taken by the trial Judge does not appear to be perverse, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge