

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 651 of 2020**

- State Of Chhattisgarh Through Police Outpost Daura, Police Station Baradwar, District Janjgir Champa, Chhattisgarh

---- Applicant

Versus

1. Dipesh Kumar Rathore S/o Makhanlal Aged About 19 Years R/o Durpa, Police Station Baradwar, District Janjgir Champa, Chhattisgarh.
2. Amarjeet S/o Siddhanath Aged About 29 Years R/o Doomarpara, Dhaneli, Police Station Baradwar, District Janjgir Champa, Chhattisgarh

---- Respondents

For Applicant-State :- Mr. Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Order On Board

By**Prashant Kumar Mishra, J.****13/03/2020**

1. On due consideration delay of 82 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020 for condonation of delay is allowed.
2. The trial Court has acquitted the accused persons of the charges under Sections 363, 366, 376(डी) of the IPC; Section 6 of the Protection of Children from Sexual Offences

Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Evidence available in the case particularly the deposition of the prosecutrix would reveal that she was subjected to sexual intercourse amounting to gang rape by several persons on different occasions within a period of two months from 12.03.2018 to 13.05.2018. However, the FIR was lodged on 27.05.2018 wherein she did not name respondent No.2 – Amarjeet. In her statement under Section 164 Cr.P.C. (Ex-P-13) she named respondent No.2 Amarjeet for the first time. Although, respondent No.1 – Dipesh Kumar Rathore was named in the FIR but in the Court she refused to identify him. In her entire deposition she has not named the present respondents as the persons who committed rape with her either singly or gang rape during the two months period.
4. Considering the evidence of the prosecutrix, the present is not considered to be a fit case for grant of leave to appeal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge