

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 891 of 2020**

- State of Chhattisgarh Through Police Station Dabhra, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

- Raginder Yadav, S/o Amar Singh, aged about 52 Years, Resident Of Katod, Bhatapara, Police Station Dabhra, District Janjgir Champa Chhattisgarh.

---- Respondent

For Petitioner**Shri K.K. Singh, Government Advocate.**

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Justice Prashant Kumar Mishra****15/07/2020**

1. The matter is heard through Video Conferencing.
2. Heard on I.A. No.1.
3. This is an application for condonation of delay in filing the Cr.M.P.
4. On due consideration, delay of 121 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.
5. The accused/respondent has been acquitted of the charge under Sections 450, 376(2)(a) and 506 Part-II of Indian Penal Code vide judgment dated 26.11.2019 passed by the 1st Additional Sessions Judge, Sakti, District Janjgir-Champa, C.G. in Sessions Trial No.24 of 2018.

6. The prosecutrix, a married lady, aged about 45 years, having two adult sons, one of whom is already married, lodged FIR alleging commission of rape by the accused on several occasions from 19.06.2018 to 7.07.2018. At the time of happening of last incident, the accused was seen moving out of the house of the prosecutrix by her daughter-in-law. Despite this, the prosecutrix did not inform anything about the incident to her daughter-in-law. The FIR was lodged on 16.07.2018 i.e. almost after one month of the first incident and after ten days of the last incident. There is evidence to the effect that in the Panchayat Election, accused had campaigned against one Churamani, who happens to be the friend of husband of the prosecutrix. The said Churamani has taken active part in lodging the FIR.
7. Considering the nature and quality of evidence available on record as also for unsatisfactory explanation for delay in lodging the FIR, we are of the opinion that the view taken by the trial Court is one probable view in the matter.
8. No case for grant of leave to appeal is made out.
9. Accordingly, the CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

