

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 894 of 2020**

- State of Chhattisgarh, Through Station House Officer, Police Station Ramanujganj, District Balrampur, Ramanujganj (C.G.).

---- appellant

Versus

- Sikandar Singh, S/o Late Laxman Singh, aged about 34 years, Resident of Village Lurgi, Police Station Ramanujganj, District-Balrampur, Ramanujganj (C.G.).

---- Respondent

For Appellant : Shri K. K. Singh, Govt. 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

The matter is heard through Video Conferencing.

2. Heard on IA No. 01., application, for condonation of delay of 108 days in filing the CRMP.
3. Upon due consideration, delay of 108 days in filing the CRMP is condoned. Accordingly, the application (IA No. 01) is allowed.
4. Also heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
5. By the Judgment dated 12.12.2019, passed by Sessions Judge, Balrampur, District- Ramanujganj C.G. in Special Case No. 93/2018, accused/respondent- Sikandar Singh has been acquitted

of the charges under Sections 376, 294, 323 & 506 part II of IPC.

6. The appellant was sent for trial for committing forcible sexual intercourse with the prosecutrix, a married lady aged about 45 years.
7. The trial Court has given benefit of doubt to the accused for the reason that Ramdeni Singh (PW02) would depose that the prosecutrix never informed him about commission of rape and that the prosecutrix told him that the appellant had only manhandled her. Similarly Ramesh Bhuiya (PW07), son of the prosecutrix, states that report against the appellant was lodged because he was in the habit of creating nuisance in the village. Dinesh Singh (PW04) & Satyanarayan Singh (PW05) have allegedly seen the occurrence, however, Satyanarayan Singh (PW05) denies that he reached the place of occurrence and witnessed the incident. There is also lack of medical evidence to prove commission of rape or even for injuries over the person of the prosecutrix.
8. Considering the nature 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