

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 899 of 2020**

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

---- appellant

Versus

- Bhagwati Singh S/o Munshi Singh, Aged about 31 years, R/o Village Rewatipur, Police Station Ramchandrapur, 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 118 days in filing the CRMP.
3. Upon due consideration, delay of 118 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 04.12.2019, passed by Sessions Judge, Balrampur District-Ramanujganj (C.G.) in S.T. No. 30/2019,

accused/respondent- Bhagwati Singh has been acquitted of the charges under Sections 376 & 506 Part-II of Indian Penal Code.

6. The appellant was sent for trial for committing forcible sexual intercourse with the prosecutrix, a married lady aged about 27 years.
7. The trial Court has acquitted the accused for the reason that there is no explanation for delay of three days in lodging the complaint; the independent witness namely- Rajkumar (PW04) has not supported the prosecution case; the accused's defence that he used to send money from Gujrat in the bank account of husband of the prosecutrix which he did not want to pay to his family, has not been denied by the prosecution witnesses; the prosecution has exaggerated and embellished her statement including the statement that her broken Bangle were recovered whereas no such recovery has been made and further that she claims to have sustained injuries but no such injuries were found in the medical report.
8. Having seen the record we are satisfied that the finding recorded by the trial Court are born out from the evidence available on record. 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