

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1106 of 2020**

- State Of Chhattisgarh Through Police Station Kunkuri, District Jashpur, Chhattisgarh

---- Petitioner

**Versus**

- Vishal Kispotta S/o Koadneliyus Kispotta Aged About 19 Years R/o Village Jhiliberna, Police Station Tapkara, District Jashpur, Chhattisgarh

---- Respondent

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For Petitioner / State : Shri K.K.Singh, Govt. Adv.

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**D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Hon'ble Smt. Justice Vimla Singh Kapoor**

**Order On Board****02/12/2020**

Heard on prayer for grant of leave to appeal.

Learned State counsel would argue that the prosecutrix herself has not supported the case of the prosecution. Other evidence, particularly medical evidence show that the prosecutrix was subjected to rape and as the evidence with regard to age shows that the prosecutrix is less than 18 years of age, other evidence collected by the prosecution and evidence on record make out a case of grant of leave to appeal.

2. We have gone through the evidence led by the prosecution, particularly that of the prosecutrix. The prosecutrix has even refused to identify the accused / respondent and she has stated in no uncertain terms that nothing happened to her.

3. In the considered opinion of this Court, learned Trial Court left with no option but to acquit the accused. Therefore, no case for grant of leave to appeal is made out. The CrMP is, accordingly, dismissed.

Sd/-

**(Manindra Mohan Shrivastava)**  
**Judge**

Sd/-

**(Vimla Singh Kapoor)**  
**Judge**