

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.1062 of 2020**

State Of Chhattisgarh Through The Police Station Bagicha, District-
Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

---- **Petitioner**

Versus

Vivek Ram S/o Mangal Sai Aged About 20 Years R/o Village Kudmura,
Police Station Narayanpur, District-Jashpur Chhattisgarh., District :
Jashpur, Chhattisgarh

---- **Respondent**

For State/Petitioner : Mr. Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

17/12/2020

Heard on application for grant of leave to appeal.

1. Even if we were inclined to condone delay in filing application, from the perusal of the impugned order particularly the statement of the prosecutrix, we find that there is no merit in the application.
2. Though learned State counsel would argue that the prosecutrix was minor, the medical evidence shows that she was pregnant, accused has been acquitted.
3. We find that the main operative reason for the learned trial Court to grant acquittal is that the prosecutrix has not supported the case of the prosecution, she has turned hostile and has even refused to identify the accused, this gave rise to doubt, the benefit of which has obviously been extended to the accused by grant of acquittal, therefore, present is not a fit case for grant of leave to appeal. Therefore, the CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge