

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1314 of 2020

State Of Chhattisgarh Through Station House Officer, Police Station Jashpur,
District Jashpur (Chhattisgarh) ----- **Petitioner**

Versus

Taiyab Ansari S/o. Naseem Ansari Aged About 28 Years Prosecutrix Village,
Police Station And District Jashpur (Chhattisgarh) ----- **Respondent**

For State/Petitioner : Mr. K.K. Singh, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

24/11/2020

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, the delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that even though the prosecutrix has clearly stated in her evidence that she was subjected to rape by the respondent/accused which could not disclose because the accused had taken video/photographs while the prosecutrix was taking bath and later on, when the accused kept on extorting money and blackmailing her, the matter was reported to the police, learned trial Court has granted the accused benefit of doubt taking into consideration the minor contradiction in the statement of the prosecutrix.

2. We have gone through the impugned judgment and also that the evidence particularly that of the prosecutrix. Learned trial Court while acquitting the accused giving benefit of doubt taking into consideration the entire evidence on record and

we find that the prosecution has failed to lead any evidence of any obscene video/photographs of the prosecutrix from the possession of the applicant containing his mobile or any other electronic device in his possession. Moreover, the learned trial Court has also taken into consideration the evidence with regard to the contents of the messages as also chat history of mobile and taking into consideration the age of the prosecutrix and report has been lodged after delay, benefit of doubt has been given.

3. In our considered opinion, learned Trial Court has granted respondent accused benefit of doubt, we do not find suffers from any patent illegality or perversity so as to call for interference, given the limited scope of interference against the judgment of acquittal. No case is made out for grant of leave to appeal. Therefore, the CRMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge