

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1347 of 2020**

- State Of Chhattisgarh Through - Police Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

1. Bhunu Sahu @ Bhuneshwar S/o Lalbahadur Sahu, Aged About 20 Years R/o Village Paragaon Kala, Police Station Dongargarh, District Rajnandgaon Chhattisgarh
2. Gajanand Verma @ Rakhi S/o Bhikham Chand Verma, Aged About 19 Years R/o Village Paragaon Kala, Police Station Dongargarh, District Rajnandgaon Chhattisgarh
3. Ruplal Sahu @ Tikeshwar S/o Ranjit Sahu, Aged About 21 Years R/o Village Paragaon Kala, Police Station Dongargarh, District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner / State : Smt. Fouzia Mirza, Addl. A.G.

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 even though the prosecutrix (PW1) has clearly involved all the accused namely Bhunu @ Bhuneshwar, Rakhi Verma and Rooplal, learned Trial Court has acquitted them giving undue weightage to minor discrepancies elicited in the examination of the prosecutrix whereas the prosecutrix is a girl of tender age being a minor.

2. We have carefully gone through the evidence of the prosecutrix. When the FIR was lodged, case diary statements under Section 161 CrPC was recorded, the prosecutrix only involved Bhunu @ Bhuneshwar without naming Rakhi Verma or Rooplal. After a long time, her statement under Section 164 CrPC was recorded

before the Magistrate and for the first time, she involved Rakhi and other accused. When she was examined in the Court, though in the examination-in-chief, she involved Rakhi Verma, in the cross-examination, this witness has not remained firm and involved other accused and gave clean chit to Rakhi Verma and stated that whatever happened to her was done by one Mukesh. In the light of this changing statement of the prosecutrix to a high extent, learned Trial Court has granted the accused benefit of doubt.

3. Given limited scope of interference against the judgment of acquittal, we do not find any material to interfere with the judgment of acquittal. The CrMP is, accordingly, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge