

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1383 of 2020**

- The State Of Chhattisgarh Through Police Station Sakti, District Janjgir Champa Chhattisgarh

---- Petitioner

Versus

- Dev Kumar S/o Mani Ram Patel Aged About 29 Years R/o Markamgodhi Sakti, Police Station And Tahsil Sakti, District Janjgir Champa Chhattisgarh

---- Respondent

For Petitioner / State : Smt. Hamida Siddiqui, A.G.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****17/12/2020**

Heard on prayer for grant of leave to appeal.

Even if we are inclined to condone delay in filing this application, we do not find any merit in this case. Though learned State counsel would submit that even if the prosecutrix has not supported the prosecution case and not involved the accused regarding commission of offence on her, her statement under Section 164 CrPC before the Magistrate could be made a basis to bring home the guilt, we are not inclined to accept the submission that the statement under Section 164 CrPC could be used for the purpose of corroboration. When the prosecutrix has not stated anything against the accused that he committed rape on her, which could be said to be amounting to rape, learned Trial Court committed no illegality in acquitting the accused. Therefore, no case is made out for grant of leave to appeal. The CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge