

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 1445 of 2020**

- State Of Chhattisgarh Through The Police Station Chilhati,  
District Rajnandgaon Chhattisgarh. ----- **Petitioner**

**Versus**

- Rajesh Kumar Sahu S/o Late Alkhu Ram Sahu, Aged About 23  
Years R/o Village Umariya, P.S. Khadsara, District Bemetara  
Chhattisgarh. ----- **Respondent**

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For the Petitioner/State :- Mr. K.K. Singh, GA.

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**Hon'ble Shri Justice Manindra Mohan Shrivastava**  
**Hon'ble Smt. Justice Vimla Singh Kapoor,**

**Order on Board by Justice Manindra Mohan Shrivastava J.**

**14.12.2020**

Heard on prayer for grant of leave to appeal.

2. Learned counsel for the State would argue that even though the prosecutrix admitted that she had signed her 164 Cr.P.C. statement recorded before the Magistrate, only because the prosecutrix did not clearly state regarding alleged commission of offence in her Court evidence, the learned trial Court has granted acquittal.

3. After going through the impugned judgment of acquittal and also particularly taking into consideration the statement of the prosecutrix, in our considered opinion, the trial Court was left with no other conclusion except that no case is made out because the prosecution has even refused to identify the accused in the Court. She has stated that nothing happened to her. She had entered into quarrel with her brother and gone to reside in her uncle's

house. She has not implicated the accused anywhere in any manner whatsoever. In that view of this matter, the view taken by the trial Court does not suffer from any perversity or patent illegality so as to warrant interference in the judgment of acquittal.

4. Accordingly, the application for grant of leave to appeal is rejected.

*Sd/-*  
(Manindra Mohan Shrivastava)  
Judge

*Sd/-*  
(Vimla Singh Kapoor)  
Judge

*Ajay*