

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1447 of 2020

- State Of Chhattisgarh Through Its Station House Officer, Police Station Bagicha, District Jashpur Chhattisgarh.

---- Petitioner

Versus

- Baal Sai S/o Saan Sai Aged About 28 Years R/o Village Of Porsecutrix, Police Station Bagicha, District Jashpur Chhattisgarh.

---- Respondent

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

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 IA No.1/2020 for condonation of delay in filing appeal.

2. The application is barred by 310 days. Learned counsel for the State has referred to the reasons stated in Paragraphs 2, 3, 4, 5 and 8 of the application which includes various grounds including ground with regard to delay occasioned due to transaction during COVID times.

Considering the submission and that the State is praying for leave to appeal against judgment of acquittal in the matter of allegation of commission of offence of rape, we are inclined to condone the delay. Accordingly, IA No.1/2020 stands allowed.

3. Heard on application for leave to appeal.

4. Taking into consideration the submission of learned counsel for the State that even though the prosecutrix not only submitted report in writing but also deposed in the Court that she was subjected to rape by the accused, the learned trial Court has granted the accused benefit of doubt mainly on the ground that other prosecution witnesses do not support and the medical evidence does not support, we are inclined to grant leave to appeal. Application is accordingly allowed.

5. Let the appeal filed by the State be registered as Acquittal Appeal and be listed for further orders.

CRMP is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay