

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2512 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

1. Sumer Singh S/o Heeralal Aged About 52 Years R/o Village Reewagahan, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.
2. Sohadra Bai W/o Sumer Singh Aged About 50 Years R/o Village Reewagahan, Police Station Dongargarh, District Rajnandgaon Chhattisgarh.

---- Respondents

For Applicant-State :- Ms. Madhunisha Singh, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya**
Order On Board

By

Prashant Kumar Mishra, J.

14/01/2020

1. On due consideration delay of 116 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2019, application for condonation of delay occurred in filing of the Cr.M.P. is allowed.

2. The trial Court has acquitted the accused- Sumer Singh of the charges under Sections 363, 366(क), 376(1) in alternative Sections 376(2), 376(घ) of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012 while acquitted the accused- Sohadra Bai of the charges under Sections 363, 366(क), 376(1) in alternative Section 376(2) read with Section 109 of the I.P.C.
3. Prosecutrix, examined as PW-3, has turned hostile and has not supported the prosecution either for allegation of abduction or for commission of rape.
4. Considering the evidence of the prosecutrix, we are not inclined to grant leave to appeal against acquittal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi