

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 99 of 2020

- State Of Chhattisgarh Through Its Station House Officer, Police Station Udaypur, District Surguja Chhattisgarh

---- Petitioner

Versus

- Bilas Ram Pando S/o Late Andha Ram Pando Aged About 22 Years Resident Of Village Mudgaon, Pandopara, Police Station Udaypur, District Surguja Chhattisgarh

---- Respondent

For Petitioner/State Mr. KK Singh, Government Advocate

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya

Order On Board by Prashant Kumar Mishra, J.

19/2/2020

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Sections 376 and 306 of IPC vide judgment dated 3.8.2019 passed in Sessions Case No.42/2015.

5. Deceased Sukhmatia committed suicide on 11.1.2015 by hanging herself under a tree in the forest area. She was the first wife of PW-12 Keshwar Ram. It is stated that on 5.1.2015, the deceased was raped by the accused, therefore, she was disturbed and committed suicide six days later. The incident of rape was said to be witnessed by PW-1 Amrita Pando. However, this witness has turned hostile.
6. PW-12 Keshwar Ram speaks about the ill treatment or molestation by the accused on his wife-deceased Sukhmania Bai but his statement falls short of making allegation of commission of rape. Since the suicide was committed after six days of the alleged incident of rape, there was long gap between the said alleged incident and the suicide by the deceased leaving enough speculation as to other intervening events which might have prompted the deceased to commit suicide.
7. There being no eye-witness nor any prior FIR by the deceased against the accused for commission for rape or molestation, the entire evidence of the prosecution is in the nature of hearsay evidence.
8. The trial Court has rightly acquitted the accused.
9. No case for grant of leave to appeal is made out.
10. The CRMP is dismissed.

Sd/-**(Prashant Kumar Mishra)**
Judge**Sd/-****(Gautam Chourdiya)**
Judge