

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Its Police Outpost - Balangi, Police Station Raghunathnagar, District Balrampur-Ramanujanj, Chhattisgarh.

- Nawal Kishore S/o Mahesh Ram Aged About 26 Years R/o Village Keradih, Police Station Narayanpur, District Jashpur, Chhattisgarh.

For Applicant-State :- Mr. Avinash Choubey, PL

Prashant Kumar Mishra, J.

1. The application for leave to appeal is barred by 784 days. In order to appreciate whether there is any substance in this acquittal appeal, we have examined the merits of the matter.
2. The trial Court has acquitted the accused of the charge under Section 376 of the I.P.C.

3. Prosecutrix, aged about 24 years, examined as PW-3 has denied the incident and has further failed to identify the accused. Plain reading of her entire statement would not make out a case for commission of offence under Section 376 of the I.P.C. by the accused.
4. The Cr.M.P. has called in question the impugned judgment of acquittal dated 29.07.2017. In application under Section 5 of the Limitation Act, it is mentioned that the Law and Legislative Affairs Department of the Government of C.G. sent a memo to the office of Advocate General for filing an acquittal appeal on 19.06.2019. There is absolutely no explanation for delay for the period almost about two years from 29.07.2017 to 19.06.2019.
5. In view of the above discussion, the Cr.M.P. is dismissed on the ground of delay as well as on merits.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi