

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 517 of 2018

- State Of Chhattisgarh Through The Incharge Police Station Koni, District Bilaspur, CG. ---- **Petitioner**

Versus

- Ashish Ojha S/o Ashok Kumar Ojha Aged About 19 Years Behind Jalaram Temple, Chawla, Sadan Bilaspur P. S. City Kotwali, District Bilaspur, CG. ---- **Respondent**

-
- Ms. Fouzia Mirza, Dy. AG for the State.
-

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

06.01.2021

Heard on prayer for grant of leave to appeal.

2. There is application for condonation of delay in this appeal.
3. Even if we condone the delay, in our considered opinion there is no merit in this case.
4. Though learned counsel for State would argue that the FIR as written by the prosecutrix has been proved, after going through the evidence of the prosecutrix (PW-7) we find that the prosecutrix has completely turned hostile and has even disowned the report alleged to have been lodged by her and stated that the report was lodged as tutored to her and nothing as contained therein happened to her.

Face with such an evidence, we think, the learned trial Court was left with no option but to acquit the respondent/accused by giving him benefit of doubt.

5. Accordingly, there does not appear to be any merit in the case and the application for grant of leave to appeal is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge