

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 386 of 2021

- State Of Chhattisgarh Through District Magistrate Mahasamund Chhattisgarh

---- Petitioner

Versus

- Kamlesh Kannouje S/o Purushottam Aged About 24 Years R/o Village Kharora Police Station And District Mahasamund Chhattisgarh, District : Mahasamund, Chhattisgarh

---- Respondent

For Petitioner : Shri K.K.Singh, Govt. Adv.

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

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

01/04/2021

Heard on application for grant of leave to appeal.

We are not persuaded by the submission of learned State counsel that the prosecutrix had relations with the present accused and acquittal could not be ordered on the ground that the prosecution was not able to establish its case beyond reasonable doubt.

In order to come to the conclusion that the prosecution has failed to prove its case beyond reasonable doubt, amongst other circumstances, learned Trial Court has taken into consideration substantive evidence of DNA report which did not match with that of the accused. The story of the prosecutrix of she having become pregnant out of sexual relationship with the accused, therefore, becomes doubtful. The reason which has been assigned by the learned Trial Court to arrive at the

conclusion that the prosecution case could not be proved beyond reasonable doubt, is neither irrelevant nor extraneous. Merely because there is possibility of another view, interference against judgment of acquittal is not permissible under the law in view of settled legal position laid down by the Supreme Court in plethora of decisions. Therefore, no case for grant of leave to appeal is made out.

The CrMP is, accordingly, dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Narendra Kumar Vyas)
Judge