

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.719 of 2020

State Of Chhattisgarh Through Police Station Marwahi, District Bilaspur
Chhattisgarh., District : Bilaspur, Chhattisgarh ---- **Petitioner**

Versus

Kamlesh Harijan S/o Ranju Harijan Aged About 30 Years R/o Dadiya, Police Station
Marwahi, District Bilaspur Chhattisgarh ---- **Respondent**

For State/Petitioner : Mr. Mateen Siddiqui, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

24/03/2021

Heard on prayer for condonation of delay in filing appeal as well as prayer for grant of leave to appeal.

1. Upon due consideration the period of delay and the cause shown, we are inclined to condone the delay in filing appeal. Delay is accordingly condoned.
2. Taking into consideration the submission of learned State counsel that even though there is emphatic and uncontroverted evidence of the prosecutrix, PW1 that she was subjected to rape by the accused and when she called for help, her husband reached at the spot and her husband PW2 has stated in his evidence that he heard the cries and then reached at the spot which evidence has remained uncontroverted in his cross-examination, we are inclined to grant leave to appeal. The application is allowed.
3. The appeal filed by the State be registered as an acquittal appeal and be listed for further orders.
4. The present CRMP is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge