

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 447 of 2021

- State Of Chhattisgarh Through Police Station Chalgali, District- Balrampur
Ramanujganj, Chhattisgarh

---- Petitioner

Versus

- Deepak Toppo S/o Domnik Toppo Aged About 24 Years R/o Village Lephri,
Police Station Chalgali, District- Balrampur- Ramanujganj, Chhattisgarh

--- Respondent

For Petitioner/State : Mr. Anshuman Shrivastava, P.L.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

17/08/2021

1. Heard on application for condonation of delay as well as on prayer for grant of leave to appeal.
2. Even if, we are inclined to condone the delay, we do not find any merit in the prayer for grant of leave to appeal because in the present case, the prosecutrix herself has not supported the case of the prosecution and in the opening part of her evidence, she has stated that she is 21 years old and incident happened a year before. Other witnesses, the father and the mother have not supported the case of the prosecution.
3. Faced with this situation, the impugned order granting acquittal by giving benefit of doubt to the accused cannot be said to be suffering from any patent illegality or perversity so as to call for interference by this Court. Therefore, there is no scope of interference against judgment of acquittal. Therefore, the application is rejected.
4. The CRMP is accordingly dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Vimla Singh Kapoor)
Judge**