

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 1140 of 2020

- State Of Chhattisgarh Through Police Station Somni, District Rajnandgaon Chhattisgarh. **---- Petitioner**

Versus

- Ravendra Namdev S/o Sharman Lal Namdev Aged About 45 Years Resident Of Manki , Police Station Somni, District Rajnandgaon Chhattisgarh. **---- Respondent**

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- Mr. Pawan Kesharwani, PL for the State.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

09.03.2021

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

Even if we are inclined to condone the delay, in our opinion, the application for grant of leave to appeal has no merit because the learned trial Court, upon minute scrutiny of the evidence on record, has come to the conclusion that the evidence of the prosecutrix, who is a married lady and aged 35 years, of she being kidnapped and subjected to rape is improbable as according to the witness she was taken to different places in vehicle including public conveyance like train and the prosecutrix did not say anything until the prosecutrix and the accused were intercepted and recovered while moving in a vehicle. On the face of the evidence of the prosecutrix, the view taken by the learned trial Court that the allegation of rape by the prosecutrix is doubtful, which is plausible and possible view with which no exception can be taken by us while sitting in appeal against the acquittal, given the limited scope of interference.

Accordingly, application is **rejected**.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Vimla Singh Kapoor)
Judge**

Pawan