

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No.196 of 2020**

- Anonymous D/o Shri Khuman Hirwani Aged About 14 Years R/o Village Bansari, Police Station Aarang, District Raipur Chhattisgarh. Since Minor Through Legal Guardian (Father) Shri Khuman Hirwani S/o Sewaram Hirwani Aged About 31 Years, R/o Village Bansari, Police Station Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Station House Officer Police Station Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
2. Yaadram Sahu S/o Rajau Sahu Aged About 25 Years R/o Village Bansari, Police Station Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh
3. David @ Pintu S/o Ganpat Ram Aged About 20 Years R/o Village Bansari, Police Station Aarang, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondents

Shri Rahul Tamaskar, counsel for appellant.
Smt. Hamida Siddiqui, Dy.AG for State.

Division Bench: Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board**05/01/2021**

Heard on admission.

1. Learned counsel for the appellant would argue that the learned trial Court has granted acquittal of the accused from the charges of commission of offence under Section 450, 376-D of IPC along with Section 6 of POSCO Act and Section 3(2)(v)(a) of the SC/ST (Prevention of Atrocities) Act, 1989 by creating doubt on the testimony of the prosecutrix, in view of what has been stated by her in para 10, 11 & 12 of cross-examination without giving due weightage to the evidence with regard to commission of offence of rape on the lady by the accused in her examination-in-chief.
2. We have gone through the impugned judgment and the evidence of the

prosecutrix, PW-1.

3. Though, in the examination-in-chief, the prosecutrix alleged commission of offence of rape against the accused, but, in her cross-examination, she has stated that prior to arrival of the accused, unknown persons had come to her house and they misbehaved the prosecutrix and thereafter, the accused had come. This serious discrepancy in the evidence of the prosecutrix has rightly been held to be a case of serious doubt with regard to commission of offence of rape by the accused on the prosecutrix.

4. Taking into consideration the impugned judgment of acquittal based on the evidence of the prosecutrix, in our considered opinion, cannot be said to be suffering from perversity or patent illegality. Therefore, there is no scope of consideration in this appeal against impugned judgment of acquittal.

5. In the result, the appeal is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor)
Judge