

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1277 of 2020

- State Of Chhattisgarh Through Its Station House Officer, Police Station Berla, District : Bemetara, Chhattisgarh

---- Petitioner

Versus

- Ravi @ Jogu Sahu S/o Arjun Sahu Aged About 21 Years Resident Of Village Pahanda, Police Station Berla, District : Bemetara, Chhattisgarh

--- Respondent

For Petitioner/State : Smt. Fouzia Mirza, Additional A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****15/02/2021**

1. Heard on prayer for grant of leave to appeal.
2. Though learned State Counsel would submit that the evidence of PW-2 proves that when she has slept along with wife of the accused in the house of the accused, next day she was not feeling well and after two days upon medical examination, she was found to be pregnant.
3. After going through the evidence of the prosecutrix, we do not find that the prosecutrix has ever stated regarding commission of sexual intercourse on her by the accused. Therefore, irrespective of the age of the prosecutrix, absence of any other evidence, finding of the trial Court that the prosecution has failed to prove its case beyond reasonable doubt cannot be said to be perverse or suffering from patent illegality warranting interference against judgment of acquittal, we are not inclined to grant leave to appeal. Therefore, the application is rejected.
4. The CRMP is accordingly dismissed.

Sd/-**(Manindra Mohan Shrivastava)
Judge****Sd/-****(Vimla Singh Kapoor)
Judge**