

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.2078 of 2018**

- State Of Chhattisgarh Through Police Station- Ramchandrapur District- Balrampur, Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner**Versus**

- Shameem S/o John Aged About 50 Years R/o Occupation- Agriculture, Village- Revtipur, Police Station And Tehsil- Ramchandrapur, District- Balrampur- Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent

Present:- Shri Amit Verma, Panel Lawyer for State/petitioner.

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

19/01/2021

1. Heard on application (I.A.No.1/2018) for condonation of delay in filing acquittal appeal.
2. Even we are inclined to condone the delay in filing acquittal appeal, there is no merit in the application.
3. The evidence of the prosecutrix, as stated in her cross-examination, clearly shows that the prosecutrix was assaulted and rape was committed on her dark in the night and she had lodged report 8 to 10 days after the incident when she was convinced by others that the accused must have come out and committed the offence, because he was the person involved in plucking forest produce.
4. In view of the aforesaid evidence of the prosecutrix, as stated in her cross-examination, learned trial Court found the evidence of the prosecutrix with regard to involvement of the accused-appellant as doubtful. Therefore, there is no perversity and illegality in the impugned judgment of acquittal passed by the learned trial Court. Hence, no case for grant of leave to appeal is made out.
5. Accordingly, the Criminal Miscellaneous Petition is dismissed.

SD/-
(Manindra Mohan Shrivastava)
Judge

SD/-
(Vimla Singh Kapoor)
Judge