

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 147 of 2019

- State Of Chhattisgarh Through Police Station Narharpur, District Uttar Bastar, Kanker, Chhattisgarh

---- Petitioner

Versus

- Sankesh Kumar Sinha S/o Sunaram Sinha Aged About 21 Years R/o Village Mohpur Thana Kanker, District Uttar Bastar, Kanker Chhattisgarh

--- Respondent

For Petitioner/State : Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

25/01/2021

1. Heard on prayer for grant of leave to appeal.
2. Even if we are inclined to condone the delay in filing application, after going through the statement of the prosecutrix (pw-4), we find that the prosecutrix has not supported the case of the prosecution at all and has completely turned hostile stating that nothing happened to her.
3. On the face of such evidence of the prosecutrix, the view taken by the learned trial Court that the accused is entitled to be acquitted by giving benefit of doubt, does not suffer from any patent illegality or perversity so as to call for interference against judgment of acquittal, given limited scope of interference, 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**