

(2019) 07 CHH CK 0010

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1474 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Khemram

RESPONDENT

Date of Decision : 01-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 376, 450, 506

Citation : (2019) 07 CHH CK 0010

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : Madhunisha Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. The default having been removed by filing necessary papers, we have proceeded to hear learned counsel for the State on the application (IA No.1) for condonation of delay as also on admission.

2. On due consideration, IA No.1, an application for condonation of delay of 09 days in filing the application for leave to appeal against the judgment of acquittal, is allowed and the delay is CRMP No. 1474 of 2019 condoned.

3. The trial Court vide its judgment dated 5.2.2019 passed in Sessions Trial No.14/2018 has acquitted the accused from the charges under Sections 450, 376 & 506 Part-II of IPC.

4. On perusal of the depositions of the prosecutrix examined as PW-1, her husband Shatruhan Patel (PW-2) and the Medical Expert Dr. Seema Nandini Chowdhary (PW-4), it appears, neither the allegation of the prosecutrix was supported by medical evidence nor she herself or her husband would support the case of the prosecution, as both of them have turned hostile.

5. No case for grant of leave to appeal is made out.

6. The CRMP is dismissed.