

(2019) 07 CHH CK 0008

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1662 Of 2018

State Of Chhattisgarh

APPELLANT

Vs

Trilochan Yadav

RESPONDENT

Date of Decision : 01-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 366, 376(1)
Code Of Criminal Procedure, 1973 — Section 164

Citation : (2019) 07 CHH CK 0008

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

Bench : Division Bench

Advocate : Rajesh R. Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. On due consideration, IA No.1, an application for condonation of delay of 109 days in filing the application for leave to appeal against the judgment of acquittal, is allowed and the delay is condoned.
2. With the consent of learned State Counsel, the CRMP is heard on admission.
3. The trial Court vide its judgment dated 28.12.2017 passed in CRMP No. 1662 of 2018 Sessions Trial No.30/2017 has acquitted the accused from the charges under Sections 366 and 376(1) of IPC.
4. Perusal of the evidence available in the record would indicate that in her statement under Section 164 of Cr.PC as well as in her deposition, the prosecutrix has not supported the prosecution as she has turned hostile and has also admitted during cross-examination that the accused has neither abducted nor committed sexual intercourse with her.
5. The prosecutrix's husband Jeeyat Bhan (PW-3) has also turned hostile. According to his statement, he got annoyed because his wife (prosecutrix) was

travelling as a pillion rider on the motorcycle of the accused and he had not lodged the report regarding commission of rape.

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

7. The CRMP is dismissed.