

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2180 of 2019**

- State of Chhattisgarh, Through the Police Station Raghunathnagar, District - Balrampur - Ramanujganj Chhattisgarh.

---- Petitioner**Versus**

- Gyanchand @ Chhotu Bharti, S/o Sabunath, aged about 18 Years, R/o Village Balangi, Post Office Balngi, Police Station - Raghunathnagar, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Petitioner	Shri Pawan Kesharwani, P.L.
For Respondent	None.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Shri Prashant Kumar Mishra J.****30/09/2019**

1. Heard on I.A. No.1 of 2019.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 26 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 of 2019 is allowed.
4. The trial Court has acquitted the accused/respondent of the charge under Sections 450, 376(d), 506(B) of IPC vide judgment dated 16.05.2019 passed by the learned Additional Sessions Judge, Ramanujganj, District Balrampur- Ramanujganj, C.G. in ST No. 59/18.
5. In the FIR, delayed by about 4 days, the prosecutrix alleged that she was subjected to gang rape by the present accused and two juveniles **(R)** & **(M)**. However, in her Court statement she admitted that FIR

against accused/appellant was lodged at the instance of Shri Avdesh Gutpa, the Brick-kiln Owner. She denies that the present accused Gyanchand had committed rape with her. Her mother Chain Kumari PW-2 has also not supported the prosecution inasmuch as she is not making any statement as to the names of the accused who have committed rape with the prosecutrix.

6. Since the prosecutrix herself has made statement that the present accused has not committed rape with her, therefore, we are not inclined to allow the application for leave to appeal.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge