



2026:CGHC:3169-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRMP No. 216 of 2026**

The State of Chhattisgarh Through District Magistrate, District Jashpur,
Chhattisgarh.

... Applicant(s)**versus**

Ashish Bhagat S/o Late Karma Ram Aged About 20 Years R/o Village
Kamarima, Chowki Pandrapath, Police Station Baghicha, District
Jashpur, Chhattisgarh.

...Respondent(s)

(Cause-title taken from Case Information System)

For Applicant/State : Mr. S.S. Baghel, Government Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Order on Board****Per Ramesh Sinha, Chief Justice****20.01.2026**

1. By way of the present petition filed under Section 419(3) of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS"), the State seeks leave to appeal against the impugned judgment of acquittal dated 26.09.2025 passed by the learned Additional Sessions Judge



(FTC), Jashpur, District Jashpur (C.G.), in Sessions Trial No. 41 of 2024, whereby the respondent/accused has been acquitted of the offences punishable under Sections 366 and 376 of the Indian Penal Code (IPC).

2. Learned Government Advocate submits that the defects pointed out by the Registry have already been cured. He further submits that vide memo of submission dated 19.01.2026, the State has filed the relevant exhibited documents, which are taken on record. Accordingly, the matter is taken up for hearing.

3. The prosecution case, in brief, is that the complainant / victim (PW-1) lodged a written report at Police Station Bagicha, District Jashpur on 13.06.2024, stating that she was working as a Community Health Officer in village XXX since 15.03.2024. On 12.06.2024, after completion of her duty at about 5:30 p.m., she, along with Shanti Bhagat (ANM-2) and Ashish Bhagat (respondent/accused), went to Sanna Bazaar on her scooter. On the way, Shanti Bhagat was dropped at her residence at Kopa. Thereafter, the victim and the respondent/accused reached Sanna Bazaar at about 6:15 p.m. While returning via Khairapath Road, the respondent/accused took her to another road, stopped the scooter, and forcefully committed rape upon her against her will. On the basis of the aforesaid report, FIR was registered as Crime No. 112 of 2024 for the offence punishable under Section 376 of the IPC. During the course of investigation, the respondent/accused was arrested and, upon completion of



investigation, a charge-sheet was filed before the competent Jurisdictional Magistrate. Thereafter, the trial commenced.

4. The learned trial Court, after appreciating the evidence available on record, acquitted the respondent/accused of the charges levelled against him by extending the benefit of doubt.

5. Learned State counsel submits that the learned trial Court has acquitted the respondent/accused mainly on the basis of the finding recorded in paragraph 41 of the judgment that the victim was a consenting party, whereas in the FIR itself the victim had categorically stated that she was subjected to forceful rape by the respondent/accused. He further submits that in her statements recorded under Sections 161 and 164 of the CrPC, the victim consistently narrated that she was subjected to forceful sexual intercourse. Even during trial, the victim, in paragraphs 2 and 3 of her deposition, specifically deposed that she was subjected to forceful sexual intercourse by the respondent/accused. Thus, the finding recorded by the learned trial Court is perverse and not borne out from the evidence on record.

6. It is further submitted by learned State counsel that after lodging of the FIR, the victim was medically examined by Dr. Vinodani Bakhla (PW-4), who clearly deposed before the learned trial Court that upon external examination, an abrasion measuring 3 × 3 cm was found on the back of the right elbow, and on internal examination, the hymen was found torn with lacerations. The possibility of sexual violence, therefore,



could not be ruled out. As regards the delay in lodging the FIR, it is submitted that paragraph 8 of the FIR itself explains the delay, wherein the victim stated that she narrated the incident to her parents and thereafter the FIR was lodged. The victim also deposed before the learned trial Court in paragraph 4 that after the incident she was threatened by the respondent/accused, and only after reaching her parental home and narrating the incident to her parents was the FIR lodged. Thus, the delay of one day in lodging the FIR stands satisfactorily explained and does not indicate consent on the part of the victim.

7. Learned State counsel would submit that the law is well settled that conviction in a rape case can be based solely on the testimony of the victim, if it inspires confidence. In the present case, the testimony of the victim is cogent, consistent, and confidence-inspiring, and there was no justification for discarding the same. Therefore, the acquittal recorded by the learned trial Court is unjust, improper, and bad in law and deserves to be set aside.

8. Considering the facts and circumstances of the case, particularly the evidence of the victim (PW-1), who has made specific allegations of forceful sexual intercourse against the respondent/accused, we are of the considered opinion that the present case is a fit one for grant of leave to appeal. Accordingly, the application filed under Section 419(3) of the BNSS is allowed.

9. Office is directed to register the case under the head of "Acquittal



Appeal”.

10. The Criminal Miscellaneous Petition is **disposed off** accordingly.

11. The acquittal appeal is **admitted**.

12. Let a bailable warrant in the sum of **Rs. 5,000/-** be issued against the respondent/accused for securing his presence before this Court on **25.02.2026**.

13. Trial Court record be summoned within four weeks. Paper-book be prepared and filed in accordance with the High Court Rules, 2007.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice