

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Cr.M.P. No. 824 of 2015**

State of Chhattisgarh, Through Station House Officer, Police Station Charcha,  
District Korea, Chhattisgarh.

**---- Appellant.****Versus**

Gorelal Kurre S/o Somarsay Kurre, Age 20 years, R/o village Jaliyadand, Police  
Station Baikunthpur, District Korea, Chhattisgarh.

**---- Respondent**


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For Appellant : Shri Ashish Shukla, Government Advocate.

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**Hon'ble Shri Navin Sinha, Chief Justice**  
**Hon'ble Shri P. Sam Koshy, J.**

**Order on Board****Per Navin Sinha, Chief Justice****15/09/2015**

1. The present application is barred by 272 days and seeks to question acquittal of the Respondent under Sections 363, 366 and 376 IPC read with Sections 5 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. The Trial Judge, in paragraph 11 of the judgment has arrived at a finding of negligence in investigation by PW-12, Vijay Thakur, the Investigating Officer, despite the opinion of Dr. Madhurima Paikra (PW-5) for age verification of the victim leading the Trial Judge to conclude that there was no evidence before him to arrive at a conclusive determination of the victim being under 18 years.
3. We put a question to the Learned Counsel for the State that in view of the Trial Judge having interdicted the Investigating Officer, whether any action has been taken against him, we got no answer. It may have been better for the State perhaps to have taken action against those who have been found at fault

during investigation and then preferred the appeal. Nothing prevents the State for pursuing that remedy if it is so advised.

4. The delay in filing the application is condoned. The application for leave to appeal is dismissed.

Sd/-

(Navin Sinha)  
**CHIEF JUSTICE**

Sd/-

(P. Sam Koshy)  
**JUDGE**

Subbu