

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P.No.240 of 2015

- The State of Chhattisgarh Through-District Magistrate Surajpur (C.G)

---- Applicant

Versus

- Pradeep Kumar Singh Gond, S/o. Rohit Singh Gond, Aged about 24 Years
R/o.Panchvati, Pandopara, P.S.-Ramanujnagar, District - Surajpur (C.G.)

---- Respondent

For Applicant : Mr.Neeraj Jain, Government Advocate

Hon'ble Shri Justice T. P. Sharma
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board

27/04/2015

T.P.Sharma:-

1. This is petition for leave to appeal against the judgment of acquittal dated 14.1.2015 passed by the 1st Additional Sessions Judge, Surajpur, in S.T.No.81/13, whereby the trial Court has acquitted the respondent of the charges under Sections 363, 366 & 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 on the ground that the prosecutrix was major on the date of incident, she herself has admitted that she herself has accompanied the respondent and has not objected at the time of commission of intercourse with her .
2. We have perused the judgment impugned, copy of the charge-sheet and deposition of the prosecutrix & other witnesses.
3. As per evidence of the prosecutrix (PW-3), her age at the time of incident was 18 years, she herself was accompanying the respondent and has not objected at the time of commission of intercourse with her. This shows that she was consenting party and she herself has left the parental shelter. She was not enticed by the respondent.

4. In these circumstances, by acquitting the respondent, the trial Court has not committed illegality requiring any leave to appeal against the judgment of acquittal.
5. Consequently, petition for leave to appeal is liable to be and is hereby dismissed.

JUDGE

JUDGE

B/-