

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 887 of 2015**

State Of Chhattisgarh through Station House Officer, Police Station -
Kansabel, District - Jashpur Chhattisgarh

---- Petitioner**Versus**

Rajendra Nikunj @ Sukhnat S/o Ramnath Nikunj Aged About 29 Years
Caste Oraon, R/o Village Kanmora, Post Sitonga, Police Station
Jashpur District Jashpur Chhattisgarh

---- Respondent

For Petitioner/State:	Shri Vivek Sharma, Panel Lawyer.
For Respondent:	None.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****5/10/2015**

1. I.A No.1 has been filed to condone delay of 13 days in preferring the application for leave to appeal against acquittal.
2. Learned Counsel for the State submits that the school admission register establishes that the prosecutrix was below 18 years of age. Consent was therefore not a relevant factor. The Trial Judge has erred in law by granting acquittal.
3. We have considered the submissions. The school admission register of Class-1 was found to contain interpolations by which, the year 1996 was corrected to be read as 1998. In the circumstances, the ossification test of the prosecutrix led to the conclusion that she was of 15-17 age. The Trial Judge opined that two years flexibility had to be given, which made the prosecutrix above the age of 18. He has further concluded on basis of materials on record that there was a consensual physical relationship

between the parties who travelled from one place to another without any protest. The prosecutrix had gone away with the Respondent of her own will and her father had lodged a missing person's report also. It appears that the prosecution was initiated only after it was discovered that she had conceived and the Respondent refused to marry her.

4. We are not satisfied that present is a fit case for granting leave to appeal.

5. The delay is condoned. The application for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE

Priya