

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1536 of 2018

- State Of Chhattisgarh Through The Station House Officer, Police Station Parpa District Bastar Chhattisgarh

---- Petitioner

Versus

- Karan Baghel S/o Samaluram Baghel Aged About 25 Years Caste Mahra, R/o Kavi Aasna Kotwar Para, Police Station Parpa District Bastar Chhattisgarh

---- Respondent

For State / Petitioner : Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

01/11/2018

Heard on I.A.No.1, application for condonation of delay in filing this petition.

Upon due consideration of the grounds urged in the application, the same is allowed.

2. Also heard on prayer for grant of leave to appeal.

Learned counsel for the State submits that even though the prosecutrix has not supported the case of the prosecution, the evidence on record proves that the prosecutrix was minor in age and she was removed from the lawful guardianship of her parents by the appellant. He would also submit that the benefit of doubt in a case like the present one, when the prosecutrix is a minor, ought not to have taken.

3. We have perused the record.

4. Taking into consideration the evidence of the prosecutrix (PW11) who has not

supported the case of the prosecution and has turned hostile and even in her cross-examination, nothing could be elicited to even remotely suggest involvement of the respondent in the case, we are of the opinion that the impugned judgment of acquittal does not suffer from any perversity or patent illegality so as to warrant interference by this Court. This petition is accordingly dismissed. Records be sent back forthwith.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge