

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1547 of 2018**

- State Of Chhattisgarh Through Police Station Churiya District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

- Chaindas Bandhe S/o Aatmaram Bandhe Aged About 26 Years R/o Diwan Total, Police Station Churiya District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner/State : Ms. K.Tripti Rao, Panel Lawyer

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 application for grant of leave to appeal.

Upon due consideration, delay is condoned.

We have heard learned State counsel on the prayer for grant of leave to appeal against judgment of acquittal.

Learned counsel for the State argues that the Trial Court has acquitted the respondent ignoring that at the time when the prosecutrix had eloped from her house, she was less than 18 years of age and the evidence on record proves that it is the appellant along with whom, the prosecutrix had eloped. As, at that time, prosecutrix was less than 18 years of age, she was removed from lawful guardianship of her parents. It is submitted that an issue was born out of the physical relation between the prosecutrix and the respondent. Therefore, a case is made out against the respondent.

We have gone through the records and taking into consideration the evidence of the prosecution witnesses particularly, that of the prosecutrix (PW8), she has not supported the case of the prosecution and turned hostile and has clearly stated that she had gone to Nagpur to live along with her mother and the appellant had no role to play. She further stated that from Nagpur, she has gone to Pune and at Pune, she met with the appellant and one year thereafter, they married and blessed with a child out of their wedlock. According to her evidence, on 14/02/2017, child was 8 months old. The prosecutrix, according to her own evidence and also the evidence led by the prosecution, was born on 13/11/1997 and attained the age of majority on 13/11/2015. Thus, from the evidence of prosecutrix herself, she of her own had gone to Nagpur and Pune and contacted the appellant, by which time, she attained the age of majority whereafter, she states having solemnized marriage with the respondent and gave birth to a child. Therefore, 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 against judgment of acquittal.

This petition is accordingly dismissed. Records of the Court below be sent back forthwith.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge