

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 234 of 2019

1. State Of Chhattisgarh Through Its Station House Officer,
Police Outpost Chichola, Police Station Chhuriya, District
Rajnandgaon Chhattisgarh

---- Petitioner

Versus

1. Nandkumar @ Nandu Sahu S/o Deenuram Sahu Aged About
27 Years R/o Village Lal Bahadur Nagar, Police Outpost
Chichola, Police Station Chhuriya, District Rajnandgaon
Chhattisgarh

---- Respondents

For Petitioner/StateShri R.S. Baghel, Dy. Adv. General

Hon'ble Shri Prashant Kumar Mishra, J.Hon'ble Shri Gautam Chourdiya, J.Order on BoardByPrashant Kumar Mishra, J.13-8-2019I.A.No.1

1. This is an application for condonation of delay in filing the application.
2. For the reasons mentioned in the application, the delay of 65 days in filing the application is condoned.
3. Accordingly, I.A.No.1 stands disposed of.

4. Trial Court has acquitted the accused from the charge under Section 450, 354, 363, 366, 376(2)(n), 294 & 506 Part II of the Indian Penal Code; under Section 4 & 6 of the POCSO Act, 2012; and under Section 3/181 of the Motor vehicles Act.
5. The prosecutrix, examined as PW-1, has supported the case of prosecution in her examination-in-chief, but thereafter, she turned hostile and has not supported the prosecution during cross-examination. She admits that she was about 20 years of age in the year 2017 when the alleged incident took place. Mother of the prosecutrix namely; Triveni Yadu (PW-2) has also turned hostile and has not supported the case of the prosecution.
6. Considering the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.
7. In the result, the appeal, *sans* merit, is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri