

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1774 of 2017

- State Of Chhattisgarh Through Police Station Chhuikhadan District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- Rohit Kumar Sahu S/o Kunjelal Sahu Aged About 23 Years R/o Village Khairy Police Station Chhuikhadan District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner / State : Shri Anand Verma, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

13/02/2019

Delay in filing relevant documents is condoned.

Heard on I.A.No.1, application for condonation of delay in filing relevant documents.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Learned counsel for the State would argue that the learned Trial Court has acquitted the respondent swayed more by the fact that later on, the accused and prosecutrix have married but ignoring that on the date of alleged commission of offence, the prosecutrix was a minor and therefore, consent has no meaning.

We have perused the records and gone through the statement of prosecution witnesses, particularly that of the prosecutrix (PW7). The prosecutrix has not supported the case of the prosecution. There is no statement given by the prosecutrix that she and the appellant had any sexual relation at the time of prosecutrix's minority. No other witnesses have supported the prosecution case. Therefore, the learned Trial Court did not commit any illegality or perversity in acquitting the respondent/accused. No case is made out for grant of leave to appeal.

The present CrMP is accordingly dismissed.
Records of the Court below be remitted forthwith.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge