

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 638 of 2019**

- State Of Chhattisgarh Through Its Station House Officer, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- Harishankar @ Nikki, S/o Budhlal Lohar, Aged About 26 Years R/o Village Akalsara, Police Station Baradwar, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant :- Shri Chitendra Singh, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board**By****Prashant Kumar Mishra, J.****19/08/2019**

1. On due consideration delay of 40 days in filing of Cr.M.P. is condoned. Accordingly, I.A. No. 01 of 2019, application for condonation of delay occurred in filing of the instant Cr.M.P. is allowed.

2. Learned trial Court has acquitted the accused of the charges of under Sections 363, 366, 376 (2) (n) of the I.P.C., Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. Bare perusal of the statement of the prosecutrix examined as PW-2 would reveal that she has stayed with the accused for about four years while earning livelihood by labourer work at some place in the State of Jammu & Kashmir. During their stay they had performed marriage and she would deny that the accused has committed forcible sexual intercourse at any point of time. She would also admit that at the time of incident she was more than 18 years of age.
4. Considering the nature and quality of evidence available on record, the trial Court has rightly acquitted the accused. Therefore, no case for grant of leave to appeal is made out.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge