

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 634 of 2019

State Of Chhattisgarh, Through Police Station Chhotebethia, District Uttar Bastar,
Kanker Chhattisgarh ---- **Petitioner**

Versus

Putu @ Krishana Sikdar, S/o Shri Vipul Sikdar, Aged About 29 Years, R/o Nayapara
Panawar Police Station Bande, District Uttar Bastar, Kanker Chhattisgarh

---- **Respondent**

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

24/04/2019

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned counsel for the State would argue that even though the prosecutrix has not stated in so many words regarding involvement of the respondent accused in the alleged commission of offence, she being minor girl, medical evidence proves that there was sexual intercourse committed with her.

2. We have gone through the evidence of the prosecutrix, herself. She has not involved the respondent accused anywhere and has stated that nothing happened to her and respondent accused did not do anything to her. She has even refused to identify on the dock. With that emphatic evidence of the prosecutrix, in our view, learned trial Court was left with no other option but to acquit the respondent accused. Therefore, no case is made out for grant of leave to appeal.

3. The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge