

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 839 of 2019**

- State Of Chhattisgarh Through The Station House Officer,
Police Station Sarangarh District Raigarh Chhattisgarh

---- Petitioner**Versus**

1. Harish Karsh S/o Santu Karsh Aged About 24 Years R/o
Kamlanagar, Pathar, Sarangarh Police Station Sarangarh,
District Raigarh Chhattisgarh.
2. Mulayam Singh S/o Itwar Singh Yadav Aged About 22 Years
R/o Kamlanagar, Puljhariyapara, Sarangarh Police Station
Sarangarh, District Raigarh Chhattisgarh.

---- Respondents

For Applicant-State :- Shri Avinash Choubey, PL

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

Order On Board**By****Prashant Kumar Mishra, J.****15/10/2019**

1. On due consideration, delay of 87 days in filing of the Cr.M.P. is
condoned. Accordingly, I.A. No.01 of 2019 which is an
application for condonation of delay in filing of Cr.M.P. is
allowed.

2. The trial Court has acquitted the accused namely Harish Karsh of the charges under Sections 363/34, 366/34, 376(2) of the I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and has acquitted the accused namely Mulayam Singh of the charges under Sections 363/34, 366/34 of the I.P.C.
3. The prosecutrix initially alleged that both the accused persons abducted her and thereafter accused- Harish Karsh took her to Delhi and thereafter Kathua in the State of Jammu and Kashmir where they stayed for 2 ½ months and during this period she was subjected to sexual intercourse. However, in cross-examination she would state that she had gone with accused- Harish Karsh of her own and that during her stay at Jammu and Kashmir she was regularly talking to her parents over mobile phone. She also says that she returned to Sarangarh, Raigarh of her own. These are only few sentences to highlight that she was a consenting party to the entire episode, however, reading of complete statement leaves no doubt that the prosecution has failed to prove the case against the accused.
4. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge