

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 862 of 2019

- State of Chhattisgarh Through Station House Officer, Police Station-Panduka, District- Gariyaband, Chhattisgarh.

---- Applicant

Versus

- Pawan Markandey S/o Awadhram Markandey Aged About 21 Years, R/o Village-Sarkada, Police Station-Panduka, District-Gariyaband, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Rajesh Singh, Dy. G.A.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Smt Rajani Dubey, JJ.

Order on Board

By

Prashant Kumar Mishra, J

08/07/2019

1. Heard learned State counsel on I.A. No.1 as also on admission.

I.A. No.1 of 2019

2. This is an application for condonation of delay in filing the application seeking leave to appeal.

3. On due consideration, the application is allowed and delay of 261 days in moving the application is condoned. Accordingly, I.A. No.1 stands disposed of.
4. The trial Court has acquitted the accused of the charges under Sections 363, 366, 376(2) of the IPC and Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
5. Evidence adduced by the prosecution would reveal that the prosecutrix had an affair with the accused and it was she, who pressurized that accused to come to Panduka Bus Stand and thereafter they performed marriage at the Arya Samaj Mandir Lalpur, Raipur. In her statement under Section 164 Cr.P.C. as well as in her deposition she would state that she has married with the accused and she is now residing in his house as his married wife.
6. In view of the above evidence, there is no substance in this application seeking leave to appeal, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Rajani Dubey)
Judge

Ankit