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HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 869 of 2019**

- State Of Chhattisgarh Through-Station House Officer, Police Station -Kharora, District-Raipur, Chhattisgarh

---- Petitioner**Versus**

1. Parasrao Barley S/o Tilakrao Barley Aged About 37 Years R/o Village-Gadadih, Police Station-Bhatapara Rural, District-Baloda Bazar, Chhattisgarh, Presently R/o Village-Beldar Siwani, Police Station- Kharora, District-Raipur, Chhattisgarh
2. Sohan Singh S/o Sattu Singh Beldar Aged About 30 Years R/o Village-Beldar Siwani, Police Station Kharora, District-Raipur, Chhattisgarh
3. Yogesh @ Golu@ Chotu @ Mukesh Beldar S/o Ashwini Beldar Aged About 18 Years R/o Village Beldar Siwani, Police Station Kharora, District- Raipur, Chhattisgarh

---- Respondent

For Petitioner/StateMr. Pawan Kesharwani, Panel Lawyer

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya**

Order On Board by Prashant Kumar Mishra, J.
Order On Board

23/9/2019

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.

3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Section 376 (2) (N) of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
5. The prosecutrix said to be less than 18 years of age on the date of the incident, alleged that accused Parasrao Barley, Sohan Singh and Yogesh @ Golu @ Chotu @ Mukesh Beldar committed forcible sexual intercourse with her at different locations at different point of time. There is enough evidence on record that for lodging the FIR as also during the entire trial, one Pappu Purena had actively assisted the prosecutrix and her mother. The prosecutrix admits that the name of the accused persons were mentioned in FIR at the instance of Pappu Purena. She admits that initially the FIR did not contain the name of accused Golu @ Mukesh and that his name was recorded because Pappu Purena wanted his impleadment. She further admits that Pappu Purena and father of accused Golu @ Mukesh had contested the election for the post of Sarpanch of the concerned Gram Panchayat and the father of accused Golu @ Mukesh was elected as Sarpanch. The prosecutrix also admits in her statement that only few days after the incident, she informed about the same to her mother. She further admits in para 21 of her examination that the meeting took place in the village for about 8-10 times to consider the issue of lodging of FIR. She also admits that she used to state the names of different boys on different dates of village meetings and that

one such meeting had taken place in the house of Pappu Purena and that she named the accused Sohan and Parasram for the reason that Pappu Purena asked her to name these two accused persons. Thus, at different stages of her examination, the prosecutrix states that she has named all the three accused persons on the dictate and advise of Pappu Purena. She also admits that none of the accused has committed any offence against her.

6. In respect of age, Budhwanti Bai (PW-3), mother of the prosecutrix, admits that her elder daughter Laxmi is aged about 23-24 years and the prosecutrix is 1 ½ years younger to Laxmi. PW-3 also admits that no papers are available with her showing the age of the prosecutrix nor she recollects the exact date of birth of the prosecutrix.
7. Considering the nature of evidence and conduct of the prosecutrix, we are of the opinion that the present is not a fit case to grant leave to appeal against acquittal.
8. The CRMP deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

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