

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 878 of 2019**

State Of Chhattisgarh Through The Incharge Police Station Sanawal  
District Balrampur - Ramanujganj Chhattisgarh

**---- Petitioner**

**Versus**

Manoj Yadav S/o Devraj Yadav Aged About 22 Years R/o Village  
Chiniya, Police Station Chiniya, District Gadwa (Jharkhand)

**---- Respondent**

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For State/Petitioner : Mr. Neeraj Mehta, Panel Lawyer

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**DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**18/06/2019**

Heard on application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that the learned Trial Court committed perversity and illegality in granting acquittal even though the prosecution came out clinching evidence not only with regard to the prosecutrix being a minor in age but also that she was subjected to sexual intercourse by the accused and as it was the case of a minor, merely because the prosecutrix had an affair and she eloped with the accused, acquittal could not be granted.

2. We have gone through the impugned judgment and the evidence on record, particularly that of the prosecutrix's evidence and evidence with regard to the age.

3. Learned Trial Court has recorded finding of examination after minute

scrutiny of the prosecution evidence with regard to the age of the prosecutrix and taking into consideration that the prosecution itself has led contradictory set of evidence with regard to the age of the prosecutrix, has recorded a finding that the prosecution failed to prove that the prosecutrix was minor. The evidence of the prosecutrix apparently shows that there was an affair between the prosecutrix and the respondent accused. Therefore, the possibility of there being consensual sex between the parties could not be ruled out. No case is made out for grant of leave to appeal. Therefore, the CRMP is dismissed.

Sd/-

**(Manindra Mohan Shrivastava)**  
Judge

Sd/-

**(Rajani Dubey)**  
Judge

Rekha