

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 961 of 2019**

- State of Chhattisgarh, Through: Station House Officer, Police Station Lalpur, District- Mungeli (C.G.).

---- appellant

Versus

- Jaiprakash Burman S/o. Malik Ram Burman, aged about 19 years, R/o. Village Hardidih, Police Station- Lalpur, District- Mungeli (C.G.)

---- Respondents

For Appellant/State :Shri Suryakant Mishra, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board by Justice Prashant Kumar Mishra

24/07/2019

1. Heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
2. By the Judgment dated 09.10.2018, passed by Additional Sessions Judge/Special Judge (POCSO Act), Mungeli, C.G. in Special Criminal Case No. 22/2016 the respondent/accused has been acquitted of the Charges under Sections 363, 366, 376 (2) (n) of the IPC read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Material available in the record would indicate that the accused and the prosecutrix are relatives. She was in love with the accused and they had stayed together for about 12 days inside the Bhoramdev forest before her maternal uncle located them at Budhwara and handed over to the

Police. The Trial Court found the prosecutrix to be less than 18 years of age, however, in her Court statement, she has made inconsistent statement in the examination-in-chief and thereafter in her cross-examination. She would state that whatever she had informed to the Police as also the Magistrate under Section 164 of Cr.P.C. was false allegation against the accused. Thus, even if she would make allegation against the accused in the examination-in-chief, considering her entire statement, she does not appear to be a trustworthy witness.

4. Having seen the evidence on record, we are satisfied that present is a case where the view taken by the Trial Court is one possible view on the basis of evidence available on record, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge