

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 966 of 2019**

State of Chhattisgarh, Through Police Station Khairagarh, District-  
Rajnandgaon(CG)

---- Petitioner

**Versus**

Dhanraj Verma @ Dhananjay S/o Shrawan Verma, aged about 18  
years, Resident of Village Chawardhal, P.S. Ghumka, district  
Rajnandgaon (C.G.)

---- Respondent

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For Petitioner/State : Shri Subhash Yadav, Dy. G.A.

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

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

**Order On Board by Hon'ble Shri Justice Manindra Mohan**  
**Shrivastava**

**18/06/2019**

1. Heard on I.A. No 1/2019 application for condonation of delay in filing the petition.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Application for grant of leave to appeal has been filed by the State in the matter of acquittal of respondent vide judgment dated 26.10.2018 passed in Sessions Trial No. 08/2018 by Additional Session Judge, Rajnandgaon (C.G.).
6. State counsel would argue that even though the prosecution led clinching evidence to prove that the prosecutrix was less than 18 years of age on the alleged date on which she eloped with the respondent/accused, the trial Court has granted acquittal by

disbelieving the prosecution evidence with regard to the aged of the prosecutrix. He would argue that the relevant school record containing date of birth of the prosecutrix as 17.03.2000 was led which has been wrongly disbelieved.

7. We have gone through the impugned judgment and the evidence led by the prosecution particularly the oral evidence of the prosecutrix, her father and the evidence with regard to age as contained in various school records led during evidence in the trial.
8. Even according to the prosecution, two different sets of evidence with regard to the prosecutrix' age were led by them. The school record contained two different dates of birth as 04.11.1999 and 17.03.2000. The prosecutrix has stated that her date of birth is 04.11.1999 and the evidence of the father of the prosecutrix renders more probable that the age of the prosecutrix could be more than 18 years on the alleged date of commission of offence. Faced with this set of evidence, the learned trial Court, in our opinion, committed no illegality in granting the accused benefit of doubt by holding that the prosecution has failed to prove beyond doubt that the prosecutrix, on the alleged date of commission of offence, was less than 18 years of age. We, accordingly, do not consider present to be a fit case to grant to leave to appeal.
9. Accordingly, CRMP is dismissed.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Judge

Sd/-  
**(Rajani Dubey)**  
Judge