

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1039 of 2019

- State Of Chhattisgarh Through Police Station Basantpur, District Rajnandgaon Chhattisgarh

---- Petitioner

Versus

- Karan Nath S/o Hindu Nath Aged About 19 Years R/o Village Gadauli, Police Station Maksi, District Saja Madhya Pradesh

--- Respondent

For Petitioner/State : Mr. Avinash K. Mishra, Panel lawyer

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/06/2019

1. Heard on application (I.A. No. 1) for condonation of delay in filing the appeal.
2. Upon due consideration, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Taking into consideration the submission of learned State Counsel that the learned trial Court's finding that the prosecution has failed to prove that prosecutrix was less than 18 years of age, suffers from perversity as clinching documentary evidence has been doubted on trivial discrepancies without considering that the documentary evidence is corroborated from the oral evidence as also the evidence of the doctor and the prosecutrix and according to the evidence of the prosecutrix, she was taken by the respondent-accused with her at different places and subjected to sexual intercourse, we are inclined to grant leave to appeal. Prayer is accordingly allowed.
5. Let the appeal filed by the State be registered as an acquittal appeal and be listed for further orders.
6. CRMP is accordingly disposed off.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Rajani Dubey)
Judge**