

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1318 of 2019**

- State Of Chhattisgarh Through Station House Officer Police Station Parpa District Bastar Chhattisgarh

---- Petitioner**Versus**

- Nitesh Chauhan S/o Sukhnath Chauhan @ Maini Aged About 21 Years R/o. Sadakpara Rajur, Tokapal, istrict Bastar Chhattisgarh,

---- Respondent

For Petitioner/State

Mr. Santosh Bharat, Panel Lawyer

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

Order On Board By**Prashant Kumar Mishra, J.****17/7/2019**

1. Heard on IA No.1, an application for condonation of delay of 589 days in filing the application seeking leave to appeal.
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 Sections 363, 366 & 376 of IPC.

5. Although the prosecutrix is less than 18 years of age at the time of the incident, she has not remained consistent during her examination in the Court. While in examination-in-chief, she would depose that she had consented to the sexual intercourse, when she was cross-examined by the prosecution, after declared hostile, she supports the prosecution but thereafter, when cross-examined by the Defence Lawyer, she would again resile from her case diary and other statements to say that the accused had not committed sexual intercourse with her.
6. In view of the inconsistent statement of the prosecutrix, the trial Court has rightly concluded that the prosecution has not proved its case beyond reasonable doubt.
7. No case for grant of leave to appeal is made out.
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Gautam Chourdiya)

Judge