

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1395 of 2019

- State of Chhattisgarh Through Station House Officer, Police Station Samripaath, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

- Santosh Nagesiya S/o Shri Katlu Nagesiya Aged About 20 Years R/o Village Gamharkona, Police Station Sanna District Jashpur, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri K.K. Singh, G.A.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

29/07/2019

1. Heard

I.A. No.1

2. This is an application for condonation of delay in filing the present Cr.M.P.

3. On due consideration, delay of 131 days in filing the Cr.M.P, is condoned. Accordingly, I. A. No.1 is allowed.
4. The trial Court has acquitted the accused of the charges under Sections 363, 366 क, 376(2)(द) of IPC and Section 6 of Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
5. Although prosecutrix is less than 18 years of age on the date of incident but when examined in Court she has turned hostile and has not supported the case of the prosecution at any stage of her examination.
6. Considering the nature and quality of evidence available on record the present is not a fit case for grant of leave to appeal. Accordingly, Cr.M.P. is dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit