

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No. 902 of 2019

- Babu Lal Agrawal S/o Late Mansha Ram Agrawal, Aged About 72 Years, R/o Friends Colony, Raigarh, Tahsil and District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station Kharsia, District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Non-applicant

For Applicant – Smt. Hamida Siddique, Advocate.

For Non-applicant/State – Shri Devendra Pratap Singh, Deputy Advocate General with Shri Aditya Sharma, Panel Lawyer.
Shri B.M. Roy, Advocate for objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2019

1. Heard learned counsel for the parties.
2. According to the prosecution case, age of the prosecutrix in this case is about 15 years. According to the allegation in the evidence of the witnesses this is a case regarding commission of offence of rape on the victim of aged 15 years. This case falls under the description of Section 376 DA of the amended provision of the IPC.
2. According to the Criminal Law (Amendment Act), 2018, Sub-section 4 has been inserted in Section 438 of the Cr.P.C. which creates specific bar on entertaining application under Section 438 of the Cr.P.C. Therefore, on this ground this application is not maintainable.
3. Consequently, The application is rejected.

Sd/-

(Rajendra Chandra Singh Samant)
Judge