

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1509 of 2019

1. State Of Chhattisgarh Through The Incharge, Police Station Karaundha District Balrampur Ramanujganj Chhattisgarh.

----- Petitioner

Versus

1. Dileshwar S/o Late Hiraram Aged About 24 Years R/o Village Surbena (Pathaltoli), Police Station Karaundha District Balrampur Ramanujganj Chhattisgarh

----- Respondent

For Petitioner/StateMs Madhunisha Singh, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, J.Hon'ble Shri Gautam Chourdiya, J.Order on BoardByPrashant Kumar Mishra, J.10-7-2019I.A.No.1

1. This is an application for condonation of delay in filing the appeal.
2. For the reasons mentioned in the application, the delay of 117 days in filing the appeal is condoned.
3. Accordingly, I.A.No.1 stands disposed of.

4. Trial Court has acquitted the accused from the charge under Section 363, 366, 376 (2) (i) of the Indian Penal Code in alternate Section 4 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
5. When examined in the Court the prosecutrix has turned hostile. She has not supported the case of the prosecution and denied that the accused has committed forcible sexual intercourse with her. Only allegation is that on the date of incident there was some altercation with the accused.
6. Considering the nature of evidence available on record, it is manifest that the trial Court has rightly acquitted the accused. There is no substance in this application seeking leave to appeal.
7. In the result, the appeal, *sans* merit, is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri