

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1511 of 2019

1. The State Of Chhattisgarh Through - District Magistrate  
Surguja Chhattisgarh

---- Petitioner

Versus

1. Rajindar Das S/o Satyanarayan Das Panika, Aged About 25  
Years
2. Babulal Das S/o Munip Das Panika Aged About 23 Years

Both R/o Gorrapara, Rampur Chowki - Manipur Police Station  
- Ambikapur District - Surguja Chhattisgarh

---- Respondent

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For Petitioner/StateShri Suryakant Mishra, Panel Lawyer

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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 21  
days in filing the appeal is condoned.
3. Accordingly, I.A.No.1 stands disposed of.
4. Trial Court has acquitted the accused No.1 from the charge  
under Section 363, 366, 376 (2) (n) of the Indian Penal Code;

Section 5(3)/6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012; and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and acquitted the accused No.2 from the charge under Section 368 of the IPC and Section 3(2)(v) of the Act, 1989.

5. From the nature of evidence available on record it would appear that the prosecutrix was having continued sexual relation with the accused on number of occasions. Albeit she says that their relationship was on account of accused's promise to marry, but there is no proof that she was less than 18 years of age on the date of incident.
6. The aforesaid finding has been recorded by the trial Court for the reason that the entry concerning her age as maintained in the *dakhil kharij register* (Ex.P/6) does not mention as to the basis on which the entry has been made.
7. Considering the nature of evidence available on record, it is manifest that the trial Court has rightly acquitted the accused persons. There is no substance in this application seeking leave to appeal.
8. 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