

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1513 of 2019**

- State of Chhattisgarh, Through: The Incharge, Police Station Pakhanjur District- North Bastar, Kanker (C.G.).

---- appellant**Versus**

- Vishal Sheel S/o Bhupal Sheel @ Bhopal Sheel, aged about 27 years, R/o Village PV-40 Pakhanjur, Police Station- Pakhanjur, District- North Bastar, Kanker (C.G.).

---- Respondents

For Appellant/State

:Ms. Madhunisha Singh, Panel Lawyer.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Gautam Chourdiya

Judgment on Board by Justice Prashant Kumar Mishra

30/07/2019

1. Heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
2. By the Judgment dated 04.04.2019, passed by Special Judge (POCSO Act, 2012), Bhanupratappur, District- Uttar Bastar Kanker, C.G. in Special Criminal Case No. 23/2018 the respondent/accused has been acquitted of the Charges under Sections 363, 366, 376 (2) (n) of the IPC read with Sections 5(l) & 6 of the Protection of Children from Sexual Offences Act, 2012.
3. The accused was sent for trial on the allegation that he committed forcible intercourse with the prosecutrix aged less than 18 years during the period of January, 2015 to 2nd June, 2018.
4. The evidence available in the record would indicate her date of birth as

31.08.1998. At the relevant time, she was studying in B.Sc. Nursing Course in which she was admitted in October, 2016. Thus, on the said date the prosecutrix had already attained the age of majority. There is evidence also to the effect that the prosecutrix visited several places with the accused and enjoyed his company for substantial length of time. In the beginning both of them wanted to marry but the parents of the accused refused to marry their son to the victim because in the meanwhile, her Face Book profile would contain her photograph with several other boys. The Trial Judge has found that there is no evidence by the prosecution that the prosecutrix was ever subjected to any forcible intercourse when she was less than 18 years of age.

5. Considering the nature of evidence available and the fact that the Trial Judge has considered all relevant material in the impugned judgment of acquittal and that the view taken by the Trial Court is one possible view on the basis of evidence available on record, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge