

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1598 of 2019

- State of Chhattisgarh Through Police Station Hasaud, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

1. Ganpat Kashyap S/o Madhav Kashyap Aged About 24 Years
R/o Malda, Police Station Hasaud, District Janjgir Champa
Chhattisgarh.
2. Rameswari Kumari S/o Tiharuram Kashyap Aged About 19
Years R/o Malda, Police Station Hasaud, District Janjgir
Champa Chhattisgarh.

---- Respondents

For Applicant-State :- Shri K.K. Singh, GA

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

10/07/2019

1. Default have already been removed by filing necessary papers. We have heard learned State Counsel on condonation of delay as also on admission.
2. On due consideration delay of 54 days in filing the

application seeking leave to appeal is condoned.

3. Accordingly, I.A. No. 1 stands allowed.
4. The accused persons were sent for trial for committing offences under Sections 376(1), 313 of IPC and Sections 4 and 6 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and under Section 109 of IPC respectively. When examined in Court the prosecutrix has turned hostile and has not supported the prosecution. She denies to identify the accused and would say that the accused persons have not committed alleged offence against her.
5. In view of the evidence of the prosecutrix the trial Court has rightly acquitted the accused, accordingly, there is no substance in this application seeking leave to appeal, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Ankit