

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1538 of 2018

- State Of Chhattisgarh Through Police Station Urla District Raipur Chhattisgarh.

---- Applicant

Versus

- Daman Lal Gaikwad@ Chhotu S/o Shri Dukalu Gayakwad Aged About 20 Years R/o Village Urla Birain, Talabpar, Police Station Urla, District Raipur Chhattisgarh.

---- Respondent

For Applicant :- Shri Neeraj Mehta, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board
By
Prashant Kumar Mishra, J.

02/08/2019

1. Heard.
2. The matter is posted in default, however, learned State counsel is possessed of the necessary papers,

therefore, we have heard the matter on admission.

3. On due consideration delay of 52 days in filing the CrMP is condoned. Accordingly, I.A. No.01 of 2018 is allowed.
4. The trial Court has acquitted the accused of the charges under Sections 363, 366, 376 (2)(ढ) of I.P.C. and Section 6 of the Protection of Children from Sexual Offences, 2012.
5. Although, the prosecutrix is less than 18 years of age at the date of incident i.e. on 08.02.2016, however, when examined in Court she has turned hostile and has not supported the prosecution at any stage of her examination. No case for grant of leave to appeal is made out.
6. Accordingly, the CrMP deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge