

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1753 of 2019**

- State Of Chhattisgarh Through Its, Station House Officer,
Police Station Saja, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

- Khurshid Khan S/o Subhan Khan, Aged About 27 Years R/o
Village Chhotki Daing, Police Station Wahedi, District
Darbhanga Bihar.

Presently Residing At Village Rakhi, Police Outpost Devkar,
Police Station Saja, District Bemetara Chhattisgarh.

---- Respondent

For State :- Shri Santosh Bharat, PL

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

Order On Board**By****Prashant Kumar Mishra, J.****26/07/2019**

1. Heard.

2. Default has been removed by filing the necessary

papers.

3. We have heard learned State counsel on admission.
4. The trial Court has acquitted the accused of the charges under Sections 363, 366 and 376 of I.P.C., Sections 5(ठ) and 5 (त्र) (ii) read with Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
5. While lodging the missing report, the prosecutrix was stated to be less than 18 years of age. The prosecutrix was allegedly taken to Bihar and was recovered after about 7 months from the date of abduction i.e. on 10.05.2018. When examined in Court, she has turned hostile and has not supported the case of prosecution at any stage of examination. She would state that she is more than 18 years of age and had gone with the accused of her own and they were having an affair. The relatives of the prosecutrix also stated that the prosecutrix was more than 18 years of age as on 10.05.2018.
6. The Adhar Card of the prosecutrix was filed along with

the charge-sheet though it is not proved in course of her examination. The said Adhar Card records her Date of Birth as 26.03.1999. Thus, there is every possibility that she was 18 years of age on the date of offence.

7. Considering the age of the prosecutrix and her oral statement as well as the testimony of her parents, we are not inclined to grant leave to appeal against the impugned judgment of acquittal.

8. Accordingly, the CRMP deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi