

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1862 of 2019

- State Of Chhattisgarh, Through Station House Officer, Police Station - Bhakhara, District - Dhamtari, Chhattisgarh

---- Petitioner

Versus

- Khilesh Kanwar, S/o Raghunandan Kanwar, Aged About 34 Years, R/o Reewagahan, Police Station - Bhakhara, District - Dhamtari, Chhattisgarh

---- Respondent

For Applicant Shri Avinash Choubey, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra

13/08/2019

1. On due consideration, delay of 24 days in filing the CRMP is condoned. Accordingly, IA No.1 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 363, 366, 376-2 of IPC and Section 6 of the POCSO Act, 2012.
3. The prosecutr examined as PW-2 and her mother Shyama Bai examined as PW-1 as well her father Premlal Vishwakarma examined as PW-3 have deposed that the prosecutr was about 20-22 years of age on the date of incident i.e. 14.09.2018. They have not supported the case of prosecution on the issue of forcible sexual intercourse. The prosecutr would state that she

had gone with the accused of her own and have stayed together at different places and she had consented for the sexual intercourse.

4. Considering the nature and quality of evidence available on record, the present is not considered to be a fit case for grant of leave to appeal.
5. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala