

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1860 of 2019

- State Of Chhattisgarh, Through The Police Station Chhuriya, District- Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Laxman Sahu, S/o Birsing Sahu, Aged About 25 Years, R/o Village Barchatola P.O. Chichola, Police Station Chhuriya, District - Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant

Shri Rajendra Tripathi, 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. The Trial Court has acquitted the accused of the charges under Sections 363/109, 366/109, 376 (2) (Jha) (Dha)/109 and Section 6/16 of the POCSO Act, 2012.
2. According to the prosecution, juvenile accused **R** committed forcible sexual intercourse with the prosecutrix, age less than 18 years, on promise to marry. At that point of time when juvenile accused **R** used to perform forcible sexual intercourse, the present accused used to take the prosecutrix on his motorcycle to the house of **R**. There is no allegation against the present accused of commission of sexual intercourse. The evidence would suggest that the prosecutrix was never threatened or

abducted by the present accused and at all occasions, she went with the present accused of her own.

3. Considering the nature and quality of evidence available on record, no case for grant of leave to appeal is made out.
4. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala