

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1783 of 2018**

- State Of Chhattisgarh Through Police Station Lalbag, Distt. Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

- Sanjay Das Manikpuri, S/o. Shri Laldas Manikpuri, aged about 22 years, R/o. Village Rampur, PS Lalbag, Distt. Rajnandgaon Chhattisgarh.

---- Respondent

For the Petitioner/State : Shri Ravish Verma, Govt. Advocate

For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****28.3.2019.**

1. Heard on applicant for grant of leave to appeal under Section 378(3) of CrPC.

2. This petition is preferred against the judgment of acquittal dated 17.5.2018 passed by Additional Sessions Judge (FTC), Rajnandgaon (CG) in Special Criminal Case No.09/2017 wherein the said Court acquitted the respondent for the charges under Sections 363, 366 and 376(2) of the Indian Penal Code, 1860 and under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act 2012').

3. In the present case prosecutrix is PW-7. She deposed before the trial Court that her age is 19 years and she moved with the respondent on her own free will and maintained physical relation with him out of her consent. From the evidence of the parents of the prosecutrix and other documentary evidence, it is

not established that the prosecutrix was below the age of 18 years on the date of incident i.e. 04.11.2016. Therefore, minority of the prosecutrix is not proved before the trial Court. Provisions of the Act, 2012 is not applicable for major.

4. In the present case, prosecutrix herself was consenting party to move with the respondent and looking to her evidence, it is clear that no criminal act was committed by the respondent against her. After evaluating the entire evidence, the trial Court recorded finding of acquittal. After reassessing the evidence, this Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the case.

5. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE