

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1895 of 2019**

- The State of Chhattisgarh, Through - Police Station Kusmi, District Balrampur Ramanujganj Chhattisgarh.

----Applicant**Versus**

- Shahid Ansari S/o Late Ahasan Ansari, aged about 19 Years, Permanent R/o Village Chirbagicha, Jashpur, Police Station Kotwali, District Jashpur Chhattisgarh Present R/o Bazarpara, Kusmi, Police Station Kusmi, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant

Shri K.K. Singh, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra

Hon'ble Shri Justice Gautam Chourdiya

Order on Board by Shri Prashant Kumar Mishra J.

20/08/2019

1. The trial Court has acquitted the accused/respondent of the charge under Sections 363, 366-A and 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012 vide judgment dated 02.05.2019 passed by Additional Sessions Judge, Ramanujganj, District Balrampur place Ramanujganj, (C.G.) in Special Sessions Case (POCSO) No.98/15.
2. We have heard learned State counsel and perused the material available on record.
3. The prosecutrix examined as PW-2 would state that she is in love with the accused and has made sexual relation of her own without there being any coercion by the accused. She would clearly state that her

parents were not agreeing for her marriage with the accused, therefore, the FIR was lodged under instructions from her father.

4. Considering the above statement of the prosecutrix and for the fact that the prosecution has not proved by adducing conclusive evidence that she was less than 18 years of age on the date of incident as according to oral evidence of the prosecutrix her date of birth mentioned in school certificate is 5.12.1999 whereas the document of Ex.P-19(C)-Dakhil Kharij Register records the same as 5.2.1999, we are not inclined to allow the application for leave to appeal.

5. Accordingly, CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge