

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1951 of 2019**

- State Of Chhattisgarh Through Its Station House Officer,
Police Station Pamgarh, District Janjgir Chamap
Chhattisgarh.

---- Applicant**Versus**

- Rajeesh Kashyap S/o Dallu @ Sarju Kashyap Aged About
20 Years R/o Village Jevra Police Station Mulmula, District
Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant :- Shri Pawan Kesharwani, PL

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

Order On Board**By****Prashant Kumar Mishra, J.****27/08/2019**

1. On due consideration delay of 13 days in filing of Cr.M.P. is
condoned. Accordingly, I.A. No. 01 of 2019 which is an
application for condonation of delay occurred in filing of the

Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charges under Section 363, 366, 376 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. Accused has allegedly committed forcible sexual intercourse with the prosecutrix for a period of about three years. Even though there is finding of the trial Court that the prosecutrix is less than 18 years of age on the date of incident, the fact remains that when examined in Court, the prosecutrix has not supported the prosecution at any stage of her examination. She has denied the entire prosecution case. She only speaks about her affair with the accused but denies that he has ever committed forcible sexual intercourse with her.
4. Considering the nature and quality of evidence on record, we are not inclined to grant leave to appeal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ayushi