

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1930 of 2018

State Of Chhattisgarh Through The Incharge Police Station- Dadhi, District-
Bemetara, Chhattisgarh

---- **Petitioner**

Versus

Babulal S/o Thanuram Yadu Aged About 21 Years R/o Village Bijabhat,
Police Station And District- Bemetara, Chhattisgarh

---- **Respondent**

For Appellant/State : Mr. Subhash Yadav, G. A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

21/02/2019

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

Learned counsel for the State would argue that even though the prosecutrix has stated that she had an affair and therefore, she had gone along with the respondent/accused, the prosecution led convincing evidence to prove that on the date, when the prosecutrix gone along with the respondent/accused was less than 18 years of age.

We have gone through the impugned judgment and material on record and the evidence led by the prosecutrix with regard to the age of the prosecutrix.

We find that the learned Trial Court minutely scrutinized the oral and documentary evidence with regard to the age and taking into consideration that the *kotwari panji* is said to be seized but not produced in the Court, the person at whose instance the date of birth was recorded in the mark sheet and 9th class

admission register, date of birth recorded at the time of entry in the school at the lowest level, has not been produced before the Court.

In our view, the conclusion drawn by the learned Trial Court appears to be plausible view and merely because another view is also possible, would not require interference by this Court with the judgment of acquittal in view of well known principles with regard to the scope of interference against judgment of acquittal. Therefore, no case is made out for grant of leave to appeal. The application for grant of leave to appeal is rejected.

The present CrMP is accordingly disposed off.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Ram Prasanna Sharma)
Judge