

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2057 of 2019**

- The State Of Chhattisgarh Through Police Station Balouda, District Janjgir - Champa Chhattisgarh.

**----- Petitioner****Versus**

- Mahendra Kumar Aditya S/o Manharan Lal Aged About 22 Years R/o Budhwari Bazar, Mohalla, Balouda Ward No. 10, Police Station Balouda, District Janjgir Champa Chhattisgarh.

**----- Respondent**

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For State                   :-       Shri Rajendra Tripathi, PL

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

**Order On Board****By****Prashant Kumar Mishra, J.****11/09/2019**

1. On due consideration delay of 407 days in filing the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019, 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 Sections 363, 366 of I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012 in the alternative Section 376 of the I.P.C.

3. The prosecutrix, examined before the trial Court as PW-1 has turned hostile and has not supported the prosecution at any stage of her examination. Her father PW-2 Shravan Kumar Namdev has also turned hostile.
4. Considering the nature and quality of evidence available on record, we are not inclined to grant leave to appeal against acquittal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-  
**(Prashant Kumar Mishra)**  
Judge

Sd/-  
**(Gautam Chourdiya)**  
Judge

Ayushi