

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2118 of 2019

- State of Chhattisgarh Through Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- Ankit Vishwakarma S/o Late Shankar Vishwakarma Aged About 20 Years Caste- Lohar, R/o Village Bakoriya, Chowki Satbarwa, Police Station Manika, District Latehar (Jharkhand) Presently R/o Kansabel (Shanti Nagar), Police Station Kansabel, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri R.Tripathi, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

23/09/2019

1. Heard.
2. On due consideration, delay of 141 days in filing the present Cr.M.P. is condoned. Accordingly, I. A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges under Sections 363, 366 क, and 376(2)(ढ) of the IPC and

Section 6 of the Protection of Children from Sexual Offences Act, 2012.

4. The accused allegedly abducted the prosecutrix and committed forcible sexual intercourse by pressurizing her to perform marriage. PW-1, Ramsai Vishwakarma, father of the prosecutrix, has turned hostile, similarly the prosecutrix herself, examined as PW-2, has turned hostile and has not supported the case of prosecution at any stage of her examination. Her mother, Kiran Vishwakarma (PW-3), has also turned hostile.
5. Considering the nature and quality of evidence available on record, we are not inclined to grant leave to appeal against the acquittal.
6. Accordingly, the present Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit