

**HIGH COURT OF CHHATTISGARH, BILASPUR**

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

## Versus

- Respondent

Hon'ble Shri Justice Prashant Kumar Mishra  
Hon'ble Shri Justice Gautam Chourdiya

By

**25/09/2019**

1. On due consideration delay of 99 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges

under Sections 363, 366(क) of I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012 in the alternative Section 6 of the Protection of Children from Sexual Offences Act, 2012 in the alternative Section 376 (1) of I.P.C.

3. The prosecutrix examined as PW-2 before the trial Court has turned hostile and has not supported the case of prosecution at any stage of her examination. Her father, Ramlal Kurre (PW-1) and her sister, Tanu Kurre (PW-3) have 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