

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2181 of 2019**

- State of Chhattisgarh, Through Station House Officer, Police Station Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Petitioner**Versus**

- Talib Khan S/o Sheikh Rasood Khan, aged about 21 Years, R/o Ward Number 4, Kandra Para, Chhuikhadan, Police Station Chhuikhadan, District Rajnandgaon.

---- Respondent

For Petitioner	Shri Aditya Sharma, P.L.
For Respondent	None.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Shri Prashant Kumar Mishra J.****30/09/2019**

1. Heard on I.A. No.1 of 2019.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 165 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 of 2019 is allowed.
4. The trial Court has acquitted the accused/respondent of the charge under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 vide judgment dated 26.12.2018 passed by the Additional Sessions Judge, Khairagarh, District Rajnandgaon, C.G. in Special Sessions Trial No.03/18.
5. The prosecutrix examined as PW-2 has denied that the accused has committed rape with her. Her mother Purnima Dubey examined as

PW-1 and her father Uttam Prasad PW-3 have also turned hostile.

6. Considering lack of evidence against the accused, we are not inclined to allow the application for leave to appeal.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Akhilesh