

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2313 of 2018

- State Of Chhattisgarh Through- The Incharge Police Outpost Aara, P.S. Jashpur, District- Jashpur, Chhattisgarh

---- Petitioner

Versus

- Vimal Ram S/o Nanka Ram Aged About 33 Years Caste- Nagesiya, R/o- Village Rajla, Present Address- Village Sakona, P.S. Jashpur, District- Jashpur, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Subhash Yadav, Dy.G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

11/02/2019

Heard on I.A.No.1, application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Learned State counsel would argue that though the prosecution came out with specific evidence regarding the age of the prosecutrix that she is less than 18 years on the date of incident, learned Trial Court granted acquittal disbelieving the evidence with regard to the age. He would argue that the prosecution case that the prosecutrix had become pregnant as a result of her relation with the respondent / accused is found proved on the basis of evidence of the prosecutrix herself.

We have gone through the impugned judgment and the evidence led by the prosecution.

The evidence of the prosecutrix is that she and the respondent had an affair and the matter was disclosed only when she was found pregnant.

The evidence with regard to the age of the prosecutrix has been found doubtful

because the entries at the time of initial admission in the school have not been produced and the evidence of middle school records, in the light of the evidence of the father and the mother of the prosecutrix, has not been found to be reliable.

In view of above, we find that the view taken by the learned Trial Court is also one of the possible and plausible view on the basis of the evidence appearing on record. Therefore, it cannot be said to be a case of patent illegality or perversity warranting interference by this Court.

The application for grant of leave to appeal is therefore rejected. The present CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge