

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2320 of 2019

- State Of Chhattisgarh, Through - Police Station Asta, District Jashpur, Chhattisgarh

---- Applicant

Versus

- Birbal Ram, S/o Bhotna Ram, Aged About 19 Years, R/o Village Upar - Amgaon, Police Station - Asta, District Jashpur, Chhattisgarh

---- Respondent

For Applicant

Shri Pawan Kesharwani, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order on Board by Shri Prashant Kumar Mishra J.

05/11/2019

1. On due consideration, delay of 170 days in filing the CRMP is condoned. Accordingly, IA No.1/2019 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 363, 366 (Ka) & 376 (2) of IPC and Section 6 of POCSO Act, 2012.
3. The accused allegedly abducted the prosecutrix and committed forcible sexual intercourse on promise to marry. She allegedly stayed with the accused for about a week. On the date of her medical examination, she was carrying pregnancy of 26 weeks.
4. All the material witnesses including prosecutrix's father (PW-1)

and her mother (PW-3) and the prosecutrix herself examined as PW-2 have turned hostile without supporting the prosecution at any stage of their examination. The parents would admit that the prosecutrix was aged about 20-21 years at the time of incident.

5. Considering the lack of evidence, the finding recorded by the Trial Court while acquitting the accused does not appear to be perverse.
6. No case for grant of leave to appeal is made out.
7. The CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala