

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2341 of 2019

1. The State Of Chhattisgarh Through - District Magistrate
Bemetara Chhattisgarh.

----- Petitioner

Versus

1. Ranjit Mahilange S/o Ashwani Kumar Mahilange, Aged
About 19 Years R/o Village - Nawalpur, Police Station And
District - Bemetara Chhattisgarh.

----- Respondent

For Petitioner/StateShri Rajnish Singh Baghel, Dy.
Advocate General

Hon'ble Shri Prashant Kumar Mishra, J.Hon'ble Shri Gautam Chourdiya, J.Order on BoardByPrashant Kumar Mishra, J.5-11-2019I.A.No.1

1. This is an application for condonation of delay in filing the application.
2. For the reasons mentioned in the application, the delay of 144 days in filing the application is condoned.
3. Accordingly, I.A.No.1 stands disposed of.

4. Trial Court has acquitted the accused from the charge under Section 363, 366-क & 376 of the Indian Penal Code and Section 5 (बे) of the Protection of Children from Sexual Offences Act, 2012.
5. After making allegation in the First Information Report (FIR) and in her case diary statement that the abduction and commission of sexual intercourse by the accused, the prosecutrix did not make any allegation of forcible sexual intercourse in her examination-in-chief, therefore, on this point she was declared hostile. At this stage, she stated that she was subjected to forcible sexual intercourse, however, yet again in para 26 of her cross-examination she denied that the accused has ever committed forcible sexual intercourse with her. In other part of her statement she has denied that she had gone with the accused as he promise to marry her.
6. In view of the statement of prosecutrix, the findings recorded by the trial Court while acquitting the accused does not appear to be perverse.
7. From the entire facts situation of the case and looking to the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.
8. In the result, the application (CRMP), *sans* merit, is liable to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Gowri