

## HIGH COURT OF CHHATTISGARH, BILASPUR

**CRMP No. 2369 of 2019**

- Applicant

---- Respondent

For Applicant-State :- Shri Avinash Choubey, PL

**Hon'ble Shri Prashant Kumar Mishra**

**Hon'ble Shri Gautam Chourdiya, JJ.**

## Order on Board

By

**Prashant Kumar Mishra, J**

08/11/2019

1. Heard.
2. On due consideration, delay of 193 days in filing the present CRMP is condoned. Accordingly, I.A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges under Sections 450 and 376 of the IPC and Sections 3 and 4 of the Protection of Children from Sexual Offences Act,

2012.

4. Having perused the statement of the prosecutrix it appears that there was a consensual relation between her and the accused after chatting on facebook. It also appears that on the date of incident when her mother returned to home the prosecutrix hide herself in the bathroom and the accused also hide himself in another bathroom.
5. In the absence of proof that the prosecutrix was less than 18 years of age on the date of incident and for the apparent consensual relationship the trial Court's finding while acquitting the accused of the charges does not appear to be perverse.
6. No case for grant of leave to appeal is made out. Accordingly, the CRMP deserves to be and is hereby dismissed.

Sd/-  
**(Prashant Kumar Mishra)**  
Judge

Sd/-  
**(Gautam Chourdiya)**  
Judge

Ankit