

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Station House Officer, Out Post Jute Mill, Police Station, Kotwali Raigarh District Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

Versus

1. Harishchand Jangde S/o Late Heeralal Jangde, Aged About 27 Years R/o Near Budhwari Bazar, Swati Photocopy, Koni, Bilaspur District - Bilaspur Chhattisgarh.
2. Rohit Kumar @ Gulshan Jangde S/o Late Ram Prasad Jangde, Aged About 21 Years R/o Koni, Bilaspur District Bilaspur Chhattisgarh.

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For Applicant-State :- Shri Pawan Kesharwani, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

11/11/2019

1. Heard.
2. On due consideration delay of 113 days in filing the present CRMP is condoned. Accordingly, I.A. No.1 is allowed.

3. The trial Court has acquitted the accused-Rohit of the charges under Sections 363, 366, 376(2)(ढ) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012 and accused-Harishchandra of the charges under Section 17 of the Protection of Children from Sexual Offences Act, 2012.
4. The accused was sent for trial for abducting the prosecutrix and thereafter committing forcible sexual intercourse on promise to marry.
5. Perusal of the evidence would reveal that the prosecutrix stayed with the accused for about 2 years and gave birth to a baby boy out of her relationship with the accused. She has turned hostile and has not supported the prosecution during her deposition. She would clearly admit that the accused has not induced her for performing marriage nor sexual relation was made on account of any promise to marry. She says that she herself pressurized the accused to take her along with him and that she never disclosed the accused that she is less than 18 years of age. On the contrary, she admits that she had informed the accused that on the date of offence i.e. 04.06.2016 she was 19 years of age.
6. In view of evidence on record, we are of the considered view that State has filed this frivolous application for leave to

appeal wasting the Court's precious time. We are frequently coming across such CRMPs being filed where the victims have not supported the case of prosecution and yet application for leave to appeal are filed.

7. In these circumstances, this application seeking leave to appeal is dismissed with cost of Rs.1 lakh. The cost shall be deposited by the State with the High Court Legal Services Committee within a period of 1 week from today.
8. Registry shall send the copy of this order by tomorrow to the Principal Secretary Department of Law & Legislative Affairs and the Director Prosecution, Government of Chhattisgarh.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit