

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2445 of 2018**

- State Of Chhattisgarh Through Police Station Than Khamhariya ,district Bemetara Chhattisgarh.

---- Petitioner

Versus

- Ghurwa Ram @ Netu Chandrakar S/o Leelaram Aged About 27 Years R/o Village Gopalpur, Police Station Thankhamhariya District Bemetara Chhattisgarh.

---- Respondent

For Petitioner/StateMs. Fouzia Mirza, Additional Advocate
General

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By Prashant Kumar Mishra, J.****5/8/2019**

1. Heard.
2. The trial Court has acquitted the accused of the charges under Sections 450, 376, 506-B of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. PW-1 Kevri Chandrakar, mother of the prosecutrix, has admitted in para 5 of her cross-examination that the prosecutrix is her

second daughter being one year younger to her eldest daughter, who is already married and has two children. She would admit that her eldest daughter is aged about 23-24 years. Thus, the prosecutrix was aged more than 18 years at the time of the incident as per the statement of her mother Kevri Chandrakar.

4. The prosecutrix was subjected to forcible sexual intercourse on atleast 5-6 occasions and the incident happened at her own house, when the accused used to visit her to maintain sexual relations. The prosecutrix did not reveal the incident to any of her relatives including her parents. PW-1 Kevri Chandrakar became aware of the prosecutrix's pregnancy of about 7 months, when she raised a doubt about the same while the prosecutrix was bathing in the house.
5. Considering the nature and quality of evidence available on record, no case for grant of leave to appeal is made out.
6. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge