

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 70 of 2019

- State of Chhattisgarh, Through - Police Station, Chandrapur, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- Shani Uraon, S/o Shri Siriya Uraon, Aged About 22 Years, R/o Bhatmahul Police Station Hasoud, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Anand Verma, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

15.02.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Learned counsel for the State would argue that even though the prosecutrix herself has stated that she had an affair with the accused, later on, they got married and lived together as husband and wife. The prosecutrix has led the evidence that on the date of incident, she had gone along with the accused and started living with him as his wife as she has not completed the age of 18 years.
6. We have carefully gone through the entire judgment of acquittal and particularly taking into consideration the oral documentary evidence with regard to the age of the prosecutrix, learned trial Court has minutely considered every oral and documentary evidence on record, which includes school record, the concerned Head Master, radiological report and has come to the conclusion that the prosecution has failed to prove that on the date of incident, the prosecutrix was less than 18 years of age, particularly taking into consideration the ossification test, in which it has been stated that the prosecutrix could be upto the age of 19 years. It could not be said to be suffering from any patent illegality and perversity so as to warrant interference by this Court, keeping in view the limited scope of

interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.

7. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin