

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 35 of 2019**

State Of Chhattisgarh, Through Police Station Somni, District Rajnandgaon  
Chhattisgarh

---- **Petitioner**

**Versus**

Narendra Sinha, S/o Shri Parmanand Sinha, Aged About 27 Years, R/o Village  
Devada, Police Station Somni, District Rajnandgaon Chhattisgarh ---- **Respondent**

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For State/Petitioner : Mr. Suryakant Mishra, Panel Lawyer

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**DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**

**Hon'ble Smt. Justice Rajani Dubey**

**Order On Board**

**26/03/2019**

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, the delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that in view of the finding of the learned trial Court that the prosecutrix was less than 18 years of age, atleast a case of commission of offence under Section 363 IPC was made out even if the prosecutrix in her statement admitted that she, herself, had gone along with the respondent accused because in that case, it would amount to removing the minor from lawful custody of her guardian.

2. We have gone through the impugned judgment and also that the evidence particularly that of the prosecutrix. We find that the prosecutrix has clearly stated to be herself willing to go along with the respondent accused. She has further stated that no sexual intercourse was committed with her. We also find that the learned trial Court has taken into consideration the evidence with regard to age also and different documentary evidence recorded different date of birth of the prosecutrix and it is quite doubtful as to

whether on the date when the prosecutrix had gone along with the respondent accused, she was less than 18 years of age. On the totality of the consideration of the material, we do not find present it to be a fit case for grant of leave to appeal, keeping in view of settled legal principles with regard to limited scope of interference with the impugned judgment of acquittal.

3. Therefore, the present CRMP is dismissed.

Sd/-  
**(Manindra Mohan Shrivastava)**  
Judge

Sd/-  
**(Rajani Dubey)**  
Judge

Rekha