

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 143 of 2019**

State of Chhattisgarh, Through the Station House Officer, Police
Station- Sakti, District- Janjgir-Champa (C.G.)

---- **Petitioner**

Versus

Netram Singh Rathore, S/o Vishram Rathore, Aged about 44 years,
R/o Village- Dabhra, P.S. Dabhra, District- Janjgir-Champa (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Suryakant Mishra, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

21/02/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the petition.
2. On due consideration, delay in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. Learned counsel for the State/ petitioner prays for grant of leave to appeal submitting that prosecutrix is a minor and the prosecution did come out with a case of commission of offence of rape on the minor, supported by the medical evidence.
5. Having gone through testimony of PW-1 who has become hostile and has refused stated that nothing happened to her

and she does not even admit that there was any sexual intercourse between the prosecutrix and the accused, only on the basis of medical evidence, we are not inclined to grant leave to appeal. No case is made out.

6. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Ram Prasanna Sharma)
Judge