

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 219 of 2019

State Of Chhattisgarh, Through Its Station House Officer, Police Station-
Korar, District- Uttar Bastar Kanker, Chhattisgarh. ---- **Petitioner**

Versus

Nishant Rajput S/o Tadbeer Singh Rajput Aged About 27 Years R/o Azad
Chowk, Bus Stand, Police Station- Korar, District- Uttar Bastar Kanker,
Chhattisgarh. ---- **Respondent**

For Appellant/State : Mr. K.K. Singh, Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

11/04/2019

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

Upon due consideration, 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 submit that, even though, the prosecutrix has not supported the case of the prosecution, there is an evidence led by the prosecution to show that the prosecutrix was a minor and she had also conceived.
2. We have gone through the impugned judgment, particularly, the evidence of the prosecutrix. The prosecutrix has not at all involved the respondent in the alleged commission of offence, so much so that she has even refused to identify the respondent saying that she does not know him. She has stated that nothing happened to her.
3. On the face of such an evidence of the prosecutrix, only on the ground that the prosecutrix was minor and that she had become pregnant, it could not be conclusively held that the respondent had committed the offence. Learned trial Court

has given benefit of doubt because of it being a case where the prosecutrix did not involve the respondent, therefore, we are not inclined to grant leave to appeal. The application for grant of leave to appeal is rejected.

4. The CRMP is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Rekha