

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 252 of 2020

- Ravi Kumar Koreti (Gond), S/o Tilak Koreti Aged About 26 Years, R/o Village-Bhawarmara Ward No. 3, P.S. Mangchua, District-Balod Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Out Post Surgi, Police Station Basantpur, District-Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. S.S. Baghel, Advocate.
For Respondent/State	:	Mr. Avinash K. Mishra, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/02/2020

Heard.

1. The petition has been brought challenging the order of framing charge especially the charge framed against the applicant under Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').
2. It is submitted that the only reliance of the prosecution against the applicant is the entry in the school admission register, which is not a reliable piece of evidence, which shows that the age of prosecutrix was more than 18 years on the date of incident.
3. The reliance of the prosecution on the school register entry which shows that the prosecutrix was major on the date of incident. However, it is only on the basis of the statement given by the mother of the prosecutrix, that prosecutrix was 17 years of age on the date of incident, this prosecution has been initiated and the applicant has been

charged for Section 6 of POCSO Act.

4. It may be so that there are two contradictory evidence on the same point, but which one is correct and which one is incorrect, that can be established only in trial after the evidence is brought by the prosecution and rebutted by the accused side. Therefore, it is not a case where such kind of determination can be made at the stage of charge, hence, I do not find any reason to admit this petition which is dismissed at motion stage. The petitioner has liberty to raise all these grounds which he has raised in this revision petition before the trial Court in his defence.
5. Revision is accordingly disposed off.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha