

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 903 of 2020**

- State Of Chhattisgarh Through The Police Station Ambikapur, District Surguja Chhattisgarh.

---- Applicant

Versus

- Mayank Khan @ Goga @ Pappu @ Istekhar S/o Ayub Khan Aged About 22 Years R/o Harsagar Talab Med, Mominpura, Police Station Kotwali, Ambikapur, District Surguja Chhattisgarh.

---- Respondent

For Applicant-State :- Ms. Fouzia Mirza, Addl. A.G.

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya****Order On Board****By****Prashant Kumar Mishra, J.****15/07/2020**

1. On due consideration delay of 294 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, application for condonation of delay occurred in filing of the instant Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charges under Sections 363, 366, 376(2)(ढ) of the I.P.C.; Section 5(ढ)/6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities) Act, 1989.
3. Accused was sent for trial for committing forcible sexual intercourse with the prosecutrix aged about 17 years, however, when examined in Court the prosecutrix (PW-2); her father – Faguram (PW-1) and mother - Sahodri Sarthi (PW-4) have turned hostile without supporting the prosecution at any stage of their examination.
4. Considering the lack of evidence, no case for grant of leave to appeal is made out.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge