

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 954 of 2020**

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

---- Applicant**Versus**

1. Mukesh Ojha S/o Sukhnandan Ojha Aged About 18 Years R/o Village Sargawa, Bangalipara, Ambikapur, District Surguja, Chhattisgarh.
2. Sukhnandan Ojha (as per the impugned judgment – Sukhranjan Ojha) S/o Surendra Ojha Aged About 41 Years R/o Village Sargawa, Bangalipara, Ambikapur, District Surguja, Chhattisgarh.

---- Respondents

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.

06/08/2020

1. On due consideration delay of 230 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, application for

condonation of delay in filing of the instant Cr.M.P. is allowed.

2. The trial Court has acquitted the accused – Mukesh Ojha of the charges under Sections 363, 366, 506 (Part II), 376(2)(ढ), 376(2)(झ) of the I.P.C.; Sections 3(क), 5(ढ) of the Protection of Children from Sexual Offences Act, 2012 while acquitted accused – Sukhranjan Ojha of the charges under Sections 363, 366 क, 506 (Part – II), 368 of the I.P.C.; Section 16 of the Protection of Children from Sexual Offences Act, 2012.
3. Although, the prosecutrix has not been examined before the trial Court on account of her death in course of trial, her parents examined as PW-2 Sadhan Maal and PW-3 Savita Maal have deposed that accused – Mukesh Ojha abducted the prosecutrix, who was aged about 14 years on the date of incident, her date of birth as mentioned in the Dakhil Khareej Register and mark sheet of class V is 17.07.2001, we are inclined to grant leave to appeal.
4. Accordingly, the Cr.M.P. is allowed.
5. Let regular acquittal appeal be registered and the same be placed for consideration in the next week.

SD/-

(Prashant Kumar Mishra)
Judge

SD/-

(Gautam Chourdiya)
Judge