

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 975 of 2020**

- The State of Chhattisgarh, through- District Magistrate Rajnandgaon (C.G.).

---- appellant

Versus

- Rahul Singh Rajput, S/o.- Rajendra Singh Rajput, aged about- 20 years R/o- Deepak Nagar, Amdi Mandir Ward No. 24, Police Station – Mohan Nagar, District- Raipur (C.G.).

---- Respondent

For Appellant : Shri K. K. Singh, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Order on Board by Justice Prashant Kumar Mishra

25/08/2020

The matter is heard through Video Conferencing.

2. Heard on IA No. 01, application, for condonation of delay of 323 days in filing the CRMP.
3. Upon due consideration, delay of 323 days in filing the CRMP is condoned. Accordingly, the application (IA No. 01) is allowed.
4. Also heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
5. By the Judgment dated 02.04.2019, passed by Additional Sessions Judge (FTC), Rajnandgaon in S.T. No. 58/2015, the respondent/accused has been acquitted of the charge under Sections

363, 366-A & 376 (2) (i) (n) of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (for short the POCSO Act).

6. The accused allegedly abducted the minor prosecutrix and committed forcible sexual intercourse.
7. The prosecutrix has not been examined before the trial Court. Her father- Ramadhar Sahu (PW06) has turned hostile. Similarly, her mother Smt. Sangeeta Sahu (PW07) has also turned hostile. The Medical Officer Dr. Dr. Sohadra Thakur (PW01) has not found any injuries over the private parts of the prosecutrix. She opined that there were no signs of recent sexual intercourse with the prosecutrix.
8. Considering the state of evidence on record, the trial Judge rightly acquitted the accused, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge