

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 1363 of 2018**

- The State of Chhattisgarh, Through- District Magistrate, District Balrampur Ramanujganj (CG)

---- Applicant**Versus**

- Manoj Pal, S/o Heera Pal, Aged about – 23 years, R/o Village Jogyani, Police Chowki Balangi, P.S. Raghunathur, District Balrampur Ramanujganj (CG)

---- Respondent

For Applicant/State : Shri Rajnish Singh Baghel,
Deputy Advocate General

Hon'ble Shri Justice Prashant Kumar Mishra, J
Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board by Justice Prashant Kumar Mishra**15.01.2020**

1. Heard on I.A. No. 1 of 2018.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 12 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No. 1 of 2018 is allowed.
4. The trial Court has acquitted the accused/respondent of the charges under Sections 363, 366 and 376 of IPC vide judgment dated 20.03.2018 passed by the learned Additional Sessions Judge, Ramanujganj (C.G.) in Sessions Trial No. 17 of 2013.
5. The accused/respondent allegedly abducted the prosecutrix and committed forcible sexual intercourse by taking her to Robertsganj (U.P.) on a motorcycle.
6. The evidence available on record would suggest that the prosecutrix stayed with the accused at Robertsganj (U.P.) for about a month. She has not raised any protest during her journey upto Robertsganj on a motorcycle nor complained to any person where she stayed for a month. Photographs of her

marriage with the accused are also part of the charge-sheet. Her parents examined as PW-2 Rambali Pal and PW-3 Paankunwar have also turned hostile. As per the statement of father (PW2), the prosecutrix was more than 18 years of age on the date of incident.

7. Considering that there is no conclusive proof that the prosecutrix was less than 18 years of age, having regard to the entire evidence on record, the view taken by the trial Court appears to be one possible view in the matter. No case for grant of leave to appeal is made out.
8. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge