

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1202 of 2020**

- State Of Chhattisgarh Through Police Station Gariyaband, District Shakti, Gariyaband Chhattisgarh

---- Petitioner**Versus**

- Murari Markam S/o Mohan Markam Aged About 23 Years R/o Ward No. 04, Naya Talab, Sharda Chowk, Police Station Gariyaband, District Gariyaband Chhattisgarh

---- Respondent

For Petitioner / State : Smt. Hamida Siddiqui, A.G.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board**17/12/2020**

Heard.

Even if we are inclined to condone the delay in filing this application, upon hearing learned State counsel on merits, we do not find that there is any merit in this application. Though learned State counsel argued that even though the prosecution led documentary evidence in the form of *dakhil kharij* register and oral evidence of father that the prosecutrix was less than 18 years of age, learned Trial Court has wrongly disbelieved. We find that the approach of the learned Trial Court has been that in the present case, oral and documentary evidence with regard to age of the prosecutrix, different years of birth stated in the oral evidence as also in the school register and no basis for such entry could be placed before the Court by leading any other clinching evidence of entries in the kotwar register or any other register issued by the competent authority, even no ossification test has been done and relying upon judgment of this Court, learned Trial Court held that the prosecution has failed to prove that the prosecutrix is less than 18 years of age.

The evidence of the prosecutrix clearly indicate that the prosecution is a consenting party. In our opinion, learned Trial Court arriving at the finding that the prosecution case is rendered doubtful and acquitted the accused, does not suffer from any patent illegality or irregularity. Therefore, no case for grant of leave to appeal is made out. The CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge