

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2748 of 2019**

- The State Of Chhattisgarh Through Police Station Janjgir, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- Sanandan Sahu S/o Ghanshyam Sahu Aged About 22 Years R/o Village Pisaud, Police Station Janjgir, District Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Pawan Kesharwani, PL

Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya
Order On Board

By**Prashant Kumar Mishra, J.****15/01/2020**

1. On due consideration delay of 614 days occurred in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2019, for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 363, 366 of the I.P.C. and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Although, the prosecutrix has been found to be less than 18 years of age but she has not entered the witness box for the reason that she is presently married to a boy belonging to Jammu & Kashmir and she is not in contact with her father PW-5 Gowardhan Sahu. This witness has denied to have lodged the FIR. The medical report (EX-P-13) is negative for finding of recent sexual intercourse.
4. Considering the quality of evidence and for non-examination of the prosecutrix before the trial Court, the present is not found to be a fit case for grant of leave to appeal against acquittal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ayushi