

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 182 of 2020

- State Of Chhattisgarh Through - Police Station Bhatapara (Rural), District Balodabazar-Bhatapara Chhattisgarh.

---- Petitioner

Versus

- Himalay Banjare S/o Mansharam Banjare Aged About 19 Years R/o Bijradih, Police Station Bhatapara (Rural), District Balodabazar-Bhatapara Chhattisgarh.

---- Respondent

For Petitioner/State	Mr. RS Baghel, Dy. Advocate General
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DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board by Prashant Kumar Mishra, J.****19/2/2020**

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Sections 363, 366 and 376, 2 (*Jha*)/(i) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

5. Bare perusal of the deposition of the prosecutrix would reveal that she had love affair with the accused for about 2 years, during which, she entered into consensual sexual relations. However, later on, the prosecutrix says that the accused committed forcible sexual intercourse against her on threat that he will kill her parents. For proof of age of the prosecutrix, the only evidence put-forth by the prosecution is in the nature of Dakhil-Kharij register of the School, where she got admitted in Class IX.
6. Neither Dakhil-Kharij register has been produced nor the statutory Birth Certificate is available in the record. The date of birth entered in the Dakhil-Kharij register is not proved to have been entered at the instance of the parents of the prosecutrix.
7. Thus, there is no proof that the prosecutrix was less than 18 years of age on the date of the incident.
8. The trial Court has rightly acquitted the accused.
9. No case for grant of leave to appeal is made out.
10. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge