

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 146 of 2015

State Of Chhattisgarh Through Station House Officer, Police Station
Dongargarh, District Rajnandgaon C.G., Chhattisgarh

---- Petitioner

Versus

Khemchand Soanteke S/o Harilal Soanteke Aged About 25 Years R/o Village
Kanhargaon, Police Station Dongargarh, Distt. Rajnandgaon C.G., Chhattisgarh

---- Respondent

For State/Petitioner : Shri Lalit Jangde, Dy. Govt. Advocate

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

Order On Board

25/01/2021

1. Heard on prayer for grant of leave to appeal.
2. Though learned counsel for the State would submit that the prosecution has led evidence that the prosecutrix had gone along with the accused and stayed and lived where she was subjected to sexual intercourse as also the evidence of the prosecutrix being less than 18 years has been led, after going through the impugned judgment, we find that learned trial Court has granted acquittal taking into consideration that the prosecution has failed to prove beyond reasonable doubt that on the date of incident, the prosecutrix was less than 18 years of age. According to prosecution, on the date of incident, the prosecutrix was 17 years 8 months and 27 days of age. The father of the prosecutrix has stated in his evidence that date of birth was recorded only on estimation and no specific date of birth is known to him. No kotwari records or any certificate of date of birth issued by any authority was produced by the prosecution and even the school records were not produced. In the backdrop of such evidence, the Court below has

recorded finding that the prosecution evidence that on the date of incident, the prosecutrix was minor in age, becomes doubtful. The view taken by learned trial Court does not suffer from any patent illegality or perversity so as to warrant any interference by this Court given the limited scope of interference against the judgment of acquittal.

3. The petition (Cr.M.P.) is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge