

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.205 of 2020**

State Of Chhattisgarh Through Police Station Ramanujganj, District
Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- **Petitioner**

Versus

Atis @ Lebdu S/o Chutai Aged About 20 Years R/o Village Karasi, Police
Station Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh., District :
Balrampur, Chhattisgarh

--- **Respondent**

For State/Petitioner : Mr. K.K. Singh, Government Advocate

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Shri Justice Narendra Kumar Vyas

Order On Board

05/04/2021

1. Heard on prayer for condonation of delay in filing appeal as well as prayer for grant of leave to appeal.
2. Even if we were inclined to condone the delay in filing the instant appeal, in our opinion, the view taken by learned Trial Court neither suffers from patent illegality nor perversity because the trial Court has recorded a finding that the prosecution has proved the age of the prosecutrix only on the basis of entry made in the school register, could not be proved and even according to the prosecutrix's court statement at the time of lodging report, her elder sister was 24 to 25 of years and the prosecutrix is only 3 years younger to her.
3. The prosecutrix lodged a report against the appellant after about 3 years of long standing relationship between them.
4. Considering the aforesaid proved circumstances and failure on the part of the prosecutrix to prove that the prosecutrix, at the time of alleged commission of offence was less than 18 years has granted benefit of doubt and acquitted. This does not appear to be a finding as could be categorized as perverse or suffering from patent illegality. Therefore there is no scope of interference against the judgment of acquittal. The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Narendra Kumar Vyas)
Judge