

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 178 of 2021

- State Of Chhattisgarh Through P.S. Shankargarh, District-Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Petitioner.

Versus

- Dinesh Kumar Pradhan S/o Prakhit Pradhan Aged About 23 Years R/o Village- Bhondna, P.S.- Shankargarh, District-Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Respondent.

For the Petitioner/State :- Mr. K.K. Singh, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.
22.02.2021

Heard on prayer for condonation of delay as well as grant of leave to appeal.

2. Even if we are inclined to condone the delay, on the face of it the acquittal of the accused is based on consideration by the trial Court on proved facts regarding there being consensual sexual intercourse and delivery of the child between the accused and the prosecutrix. We have also taken into consideration what has been stated by the prosecutrix in her cross-examination that she has earlier applied for grant of maintenance before the Magistrate claiming herself to be wife of the accused and had also applied for enhancement of maintenance amount and pallelly lodged a criminal case. In this background, the trial Court has recorded a finding of there being long relationship between the

prosecutrix and the applicant and raising doubt because of delay in lodging FIR even after birth of a child.

On the aspect of date of birth also the learned trial Court has found that the evidence with regard to the age of the prosecutrix could not be proved to be less than 18 years of age. The FIR was lodged in the year 2014 and even according to the prosecutrix her date of birth is 10.02.1996. Therefore, there is no merit in this case.

3. Accordingly, the application for grant of leave to appeal is **rejected**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay