

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.401 of 2021**

State Of Chhattisgarh Through Station House Officer, Police Station Jamul,
District Durg Chhattisgarh

---- Petitioner**Versus**

Gajendra Singh Chouhan S/o Late Noyan Singh Chouhan Aged About 21
Years R/o Near Uday College, Ward No. 13, Police Station Jamul, District
Durg 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. Though learned State counsel would argue that the prosecution has proved from the evidence of the prosecutrix and also documentary and oral evidence with regard to she being minor, we find that the trial Court has minutely scrutinized the evidence with regard to the age and whether it was a case of rape. The prosecutrix has stated in her evidence regarding she having gone along with the accused. In her cross-examination, she has not remained firm with regard to any sexual intercourse and has made contradictory statement in that regard.
3. As far as proof of age is concerned, though oral evidence and entries made in the school register, showing her date of birth as 04.11.1999, in the ossification test, with the settled method of approximation, the prosecutrix could possibly be a major. All these aspects have been taken into consideration by the learned Trial Court to come to the conclusion that the case of the prosecution is not free from doubt. The view which has been taken by trial Court is possible and plausible view and it cannot be said that it suffers from any patent illegality or perversity calling for interference against the judgment of acquittal, given the limited scope of interference against the judgment of acquittal, the CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Narendra Kumar Vyas)
Judge