

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 718 of 2021**

State Of Chhattisgarh, Through Its Station House Officer, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

Sunil Singh Gond, S/o Chhedilal Gond, Aged About 22 Years R/o Village Padariya, Police Station Akaltara, District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner/State : 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**22/07/2021**

1. Heard both on prayer for condonation of delay as well as for grant of leave to appeal.
2. Even if we were inclined to condone the delay, we do not find any merit in the petition because the prosecutrix (PW5), in so far as allegation of commission of rape is concerned, has not supported the case of the prosecution regarding she being raped and, on the contrary, she stated that because of some quarrel in the house, out of anger, she went to another place. Even as regard the evidence of age of the prosecutrix, we find that though learned trial Court has found the prosecutrix below 18 years, but after considering of the evidence of the prosecutrix, allegation of abduction and rape has been found to be doubtful.
3. Considering the above material on record, present is not a fit case for grant of leave to appeal. Accordingly, the petition (Cr.M.P.) is dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge