

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1087 of 2020

State of Chhattisgarh Through Station House Officer, Police Station
Samripath, District Balrampur Ramanujganj Chhattisgarh

---- Appellant

Versus

Dayashankar Turi (Badod) @ Tanya Turi S/o. Sukhan Basod, Aged
about 55 years, R/o. Village Gadhiyo, Police Station Kusami, Present
Address Village Ghodasot, Police Station Kusami, District Balrampur,
Ramanujganj (CG)

---- Respondent

For the Appellant :- Mr. Lalit Jangade, Dy. G.A

For the respondent :- None

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

Judgement on Board By
Manindra Mohan Shrivastava, J.

04.01.2021

Heard on the application for grant of leave to appeal.

2. Learned State counsel would submit that the trial Court has committed perversity and patent illegality in acquitting the accused despite there being specific oral evidence of PW-1 - father of the prosecutrix Munita, that she was aged about 14 years and she was abducted by the accused/ respondent and taken to village Gadhiyo, wherefrom she was taken to Delhi on the assurance that she will get good job and Rs. 8,000/- per month.

He would further submit that as far as other prosecutrix namely Asha is concerned, she has also deposed on the same line that an assurance was given by the accused to provide good job and there is oral evidence that she was also minor.

3. Heard learned counsel for the State and perused the judgment of acquittal. Having perused the evidence on record, we find that the prosecution has failed to prove that the prosecutrix was minor. The documentary evidence in the form of Dakhil Kharij register has also not been proved by the prosecution. This apart, no other clinching evidence such as ossification test report has been led by the prosecution to prove the age of the prosecutrix. (PW-1) Amarsai, father of prosecutrix Munita has also not stated anything regarding the age of his daughter in examination-in-chief and was declared hostile. Subsequently, on a suggestion put by the prosecution in regard to age of his daughter, he stated that the age of his daughter is about 14 years but the same is not supported by any corroborative evidence. As far as age of prosecutrix Asha is concerned, no clinching evidence has been adduced by the prosecution. In addition to this, though the prosecutrix had travelled up to the village of the accused in a public vehicle yet they did not raise any hue and cry. According to them, they had accompanied on the assurance of providing them lucrative job in Delhi.
5. Considering the totality of the evidence, the learned trial Court, in our opinion, has taken a view which is quite plausible and possible, calling for no interference as the scope of interference

against the judgment of acquittal is limited. No merit in the case, accordingly the CRMP is dismissed.

Sd/-

Manindra Mohan Shrivastava
Judge

Sd/-

Vimla Singh Kapoor
Judge

santosh