

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRR No. 525 of 2021

- 'D', Aged About 16 Years, Minor through legal natural guardian mother Smt. Neelam Sharma, W/o Vinod Sharma, Aged About 44 Years, R/o K.N. 32/1 Ward No. 23, Behind Krishna Nagar Church, Korba, Tahsil Korba, District : Korba, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through- Station House Officer, Police Station Kotwali, Korba, District- Korba, Chhattisgarh.

---- Respondent

For Applicant : Mr. Pushpendra Kumar Patel, Advocate

For State/Respondent : Dr. (Ms.) Veena Nair, Dy. A.G.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

10.11.2021

- 1) The present revision under Section 102 of Juvenile Justice (Care and Protection of Children) Act, has been preferred against the Judgment dated 04.08.2021 passed by the Additional Sessions Judge (FTC)/Special Court (POCSO)/Children Court, Korba, District- Korba (C.G.) in Criminal Appeal No. 38/2021, upholding the order dated 14.07.2021 passed by Juvenile Court Korba, District-Korba in connection with Crime No. 531/2021 for the offence punishable under Sections 376 of IPC and 4 of POCSO Act.
- 2) Case of the prosecution, in brief, is that the applicant Juvenile 'D' and the prosecutrix prior to the incident they were known with each-other, he gave his mobile number to her, prosecutrix used to talk with him through her mother's phone. In April 2021 in the morning when the prosecutrix went for morning walk, the applicant reached to her with his scooty, forced her to sit on the

vehicle and took her to his home, where he made forcible sexual intercourse with her and threatened her not to disclose the fact. On 14.06.2021 the applicant sent obscene messages in the Whatsapp of prosecutrix's father. Thereafter, the prosecutrix told the entire story to their parents and report was lodged against the applicant.

- 3) Learned counsel for the applicant submits that the applicant is an innocent boy and is falsely implicated in this case, in fact there was love affair between the applicant and the prosecutrix, which was not liked by the parents of the prosecutrix therefore, false report was lodged against him. There is delay in lodging FIR as incident took place on 30.04.2021 whereas FIR was lodged on 15.06.2021. In this circumstance, the applicant be released on bail.
- 4) On the other hand learned State counsel opposing the revision.
- 5) Prosecutrix has appeared through Video Conferencing mode and she raised objection to release of the applicant on bail.
- 6) Having heard learned counsel for the parties, having regard to the facts and circumstance of the case, the nature of allegations against the applicant that he committed forcible sexual intercourse with the prosecutrix, a minor girl, as also he is said to have committed rape with the sister of the prosecutrix, he was blackmailing the prosecutrix, at the time of incident the applicant was more than 16 years of age, the observation made by the Court below in para-9 of the impugned judgment, this Court finds no illegality and perversity in the impugned judgment, rejecting the revision petition.
- 7) Accordingly, the revision is dismissed.

Sd/-

**(Gautam Chourdiya)
Judge**