

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1274 of 2020

- State Of Chhattisgarh Through Its Station House Officer, Police Outpost Maro, Police Station Nandghat, District Bemetara Chhattisgarh. ---Petitioner.

Versus

- Awadhesh Kumar Rajpur S/o Ramsharan Rajput Aged About 23 Years Resident Of Village Ghorha, Police Station Nandghat, District Bemetara Chhattisgarh. --- Respondent.

For the State :- Mr. Lalit Jangde, Dy. GA.

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

Order on Board by Justice Manindra Mohan Shrivastava, J.
27.07.2021

Heard on application for grant of leave to appeal.

Though learned State counsel would submit that the prosecutrix has stated regarding commission of offence of rape on her by the accused and there is evidence that the prosecutrix was minor, after going through the impugned judgment and the evidence recorded during trial we find that the learned trial Court while coming to the conclusion that the prosecution has failed to prove its case beyond reasonable doubt has taken into consideration that the DNA report does not show the accused as the biological father of the child in womb. The evidence with regard to the age has also been found to be doubtful by the learned trial Court because the entries made in the school register has not been proved in accordance with law and no clinching evidence has been brought on record with regard to the age except oral evidence which also suffers from inherent contradiction in view of the evidence of the parents of the prosecutrix. The report was lodged in the Police station when the prosecutrix became pregnant and was carrying about

7 months pregnancy, therefore, we do not find any merit in the application.

CRMP is accordingly **dismissed**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay