

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 1248 of 2020

- State Of Chhattisgarh Through Station House Officer, Police Station City Kotwali, District Bemetara Chhattisgarh. ---- **Petitioner**

Versus

- Sawan Sonone S/o Kishor Rao Sonone Aged About 21 Years R/o Gali No. 1, 86/2 Moti Tavela, Near Collector Office, Police Station Raoji Bazar, District Indore, (Madhya Pradesh), District : Bemetara, Chhattisgarh ---- **Respondent**

- Mr. Ansuman Shrivastava, PL for the State.

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

18.08.2021

Heard on prayer for grant of leave to appeal.

Though State counsel would argue that the prosecution has led evidence of the school certificate and oral evidence that the prosecutrix was minor in age on the date of commission of offence and therefore, consent was not material, we find that the learned trial Court has minutely scrutinized the evidence with regard to age and taking into consideration the discrepancy in the oral evidence and that the school records were not duly proved in accordance with law has recorded and finding that the prosecution has failed to prove the age of the prosecutrix beyond reasonable doubt. No other clinching evidence of birth certificate or ossification test were led the prosecution. Therefore, the finding of the learned trial Court does not suffers from any perversity or patent illegality. Given the limited scope of interference against the judgment of acquittal, we do not consider present to be a fit case for grant of leave to appeal.

Accordingly, application is rejected.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Vimla Singh Kapoor)
Judge**