

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1473 of 2020**

- State Of Chhattisgarh Through Station House Officer, Police Station Gariyaband District Gariyaband Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Petitioner**Versus**

1. Ankit Soni @ Bhakt Prahalad Sonwani S/o Narayan Sonwani Aged About 25 Years Caste Gada, R/o Mahendragarh Bindranawagarh, Police Station Mainpur, District : Gariyabandh, Chhattisgarh
2. Narayan S/o Karan Sonwani Aged About 60 Years R/o Mahendragarh, Police Station Mainpur, District : Gariyabandh, Chhattisgarh

--- Respondents

For Petitioner/State : Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****05/01/2021**

1. Heard on prayer for grant of leave to appeal.
2. Though learned State Counsel would argue that despite clear evidence of the prosecutrix of she being subjected to rape and clinching and oral documentary evidence with regard to prosecutrix being minor having led by the prosecution, acquittal has been granted, we are not impressed with the submission because after going through the impugned judgment of acquittal, we find that the learned trial Court has meticulously examined and otherwise, the evidence of the prosecutrix to come out with a finding that it appears to be a case of affair between the prosecutrix and the accused.
3. As far as age part is concerned, the learned trial Court, noticing serious discrepancy, interpolation in the records and there being variation in the oral and documentary evidence with regard to age, has recorded specific finding that the prosecution has failed to prove the age of the prosecutrix. We do not find any good ground to interfere with the impugned judgment of acquittal, keeping in view limited scope for interference against the judgment of

acquittal, we are not inclined to grant leave to appeal.

4. The CRMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ravi