
(2019) 08 CHH CK 0180

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1936 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

agesh @ Jageshwar Yarda

RESPONDENT

Date of Decision : 26-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 376(2)(a)

Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2019) 08 CHH CK 0180

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : Chitendra Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. On due consideration, delay of 38 days in filing the present Cr.M.P is condoned. Accordingly, I.A. No.1 stands allowed.

3. The trial Court has acquitted the accuse of the charges CRMP No. 1936 of 2019 under Sections 363, 366 376(2)(a) of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.

4. The accused allegedly committed forcible sexual intercourse with the prosecutrix, aged less than 18 years at the time of occurrence, on promise to marry. When examined in Court, the prosecutrix has not supported the prosecution at any stage of her examination. She has even denied to identify the accused.

5. Considering the nature and quality of evidence available on record the present is not considered to be a fit case for grant of leave to appeal.

6. Accordingly, Cr.M.P. is dismissed.