

(2019) 10 CHH CK 0074

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 839 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Harish Karsh And Ors

RESPONDENT

Date of Decision : 15-10-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 363, 366, 376(2)
Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2019) 10 CHH CK 0074

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

Bench : Division Bench

Advocate : Avinash Choubey

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. On due consideration, delay of 87 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for

condonation of delay in filing of Cr.M.P. is allowed.

2. The trial Court has acquitted the accused namely Harish Karsh of the charges under Sections 363/34, 366/34, 376(2) of the I.P.C. and Section 6 of

the Protection of Children from Sexual Offences Act, 2012 and has acquitted the accused namely Mulayam Singh of the charges under Sections

363/34, 366/34 of the I.P.C.

3. The prosecutrix initially alleged that both the accused persons abducted her and thereafter accused- Harish Karsh took her to Delhi and thereafter

Kathua in the State of Jammu and Kashmir where they stayed for 2 ½ months and during this period she was subjected to sexual intercourse.

However, in cross- examination she would state that she had gone with accused- Harish Karsh of her own and that during her stay at Jammu and

Kashmir she was regularly talking to her parents over mobile phone. She also says that she returned to Sarangarh, Raigarh of her own. These are only

few sentences to highlight that she was a consenting party to the entire episode, however, reading of complete statement leaves no doubt that the

prosecution has failed to prove the case against the accused.

4. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.