

(2019) 08 CHH CK 0042

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1805 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Limraj Netam

RESPONDENT

Date of Decision : 05-08-2019

Acts Referred:

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

Citation : (2019) 08 CHH CK 0042

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

Bench : Division Bench

Advocate : K.K. Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J.

1. Heard.

2. On due consideration delay of 23 days in filing of CrMP is condoned. Accordingly, I.A. No.01 of 2019, application for condonation of delay in filing of CrMP is allowed.

3. The trial Court has acquitted the accused of the charges CRMP No. 1805 of 2019 under Sections 363, 366 ?, 376 (2)(?)(?) of I.P.C and Section 6 of the Protection of Children from Sexual Offences, 2012.

4. The absence of proof of Date of Birth, the trial Court has found that the prosecution has failed to prove that the prosecutrix was less than 18 years of age on the date of incident.

5. While examined in Court, the prosecutrix has not supported the prosecution at any stage of her examination. She has stated that there has been no sexual relation with the accused at any point of time nor does the accused abducted her. In view of the nature and quality of evidence on record, no case for grant of

leave to appeal is made out.

6. In view of the above, the CrMP deserves to be and is hereby dismissed.