

(2019) 08 CHH CK 0078

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 234 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Nandkumar @ Nandu Sahu

RESPONDENT

Date of Decision : 13-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 294, 354, 363, 366, 376, 376(2)(n), 450, 506
Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6
Motor Vehicles Act, 1988 — Section 3, 381

Citation : (2019) 08 CHH CK 0078

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

Bench : Division Bench

Advocate : R.S. Baghel

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. This is an application for condonation of delay in filing the application.
2. For the reasons mentioned in the application, the delay of 65 days in filing the application is condoned.
3. Accordingly, I.A.No.1 stands disposed of.
4. Trial Court has acquitted the accused from the charge under Section 450, 354, 363, 366, 376(2)(n), 294 & 506 Part II of the Indian Penal Code; under Section 4 & 6 of the POCSO Act, 2012; and under Section 3/181 of the Motor vehicles Act.
5. The prosecutrix, examined as PW-1, has supported the case of prosecution in her examination-in-chief, but thereafter, she turned hostile and has not supported the prosecution during cross-examination. She admits that she was about 20 years of age in the year 2017 when the alleged incident took place. Mother of the prosecutrix namely; Triveni Yadu (PW-2) has also turned hostile

and has not supported the case of the prosecution.

6. Considering the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.

7. In the result, the appeal, sans merit, is liable to be and is hereby dismissed.