
(2019) 08 CHH CK 0185

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1951 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Rajeesh Kashyap

RESPONDENT

Date of Decision : 27-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 376
Protection Of Children From Sexual Offences Act, 2012 — Section 4

Citation : (2019) 08 CHH CK 0185

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

Bench : Division Bench

Advocate : Pawan Kesharwani

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. On due consideration delay of 13 days in filing of Cr.M.P. is condoned. Accordingly, I.A. No. 01 of 2019 which is an application for condonation of delay occurred in filing of the CRMP No. 1951 of 2019 Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charges under Section 363, 366, 376 of the I.P.C. and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

3. Accused has allegedly committed forcible sexual intercourse with the prosecutrix for a period of about three years. Even though there is finding of the trial Court that the prosecutrix is less than 18 years of age on the date of incident, the fact remains that when examined in Court, the prosecutrix has not supported the prosecution at any stage of her examination. She has denied the entire prosecution case. She only speaks about her affair with the accused but denies that he has ever committed forcible sexual intercourse with her.

4. Considering the nature and quality of evidence on record, we are not inclined

to grant leave to appeal.

5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.