

(2019) 07 CHH CK 0065

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1511 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Rajindar Das And Ors

RESPONDENT

Date of Decision : 10-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366, 368, 376(2)(n)
Protection Of Children From Sexual Offences Act, 2012 — Section 5(?), 6
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(2)(v)

Citation : (2019) 07 CHH CK 0065

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

Bench : Division Bench

Advocate : Suryakant Mishra

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. This is an application for condonation of delay in filing the appeal.
2. For the reasons mentioned in the application, the delay of 21 days in filing the appeal is condoned.
3. Accordingly, I.A.No.1 stands disposed of.
4. Trial Court has acquitted the accused No.1 from the charge under Section 363, 366, 376 (2) (n) of the Indian Penal Code; CrMP No.1511 of 2019 Section 5(?)/6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012; and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and acquitted the accused No.2 from the charge under Section 368 of the IPC and Section 3(2)(v) of the Act, 1989.
5. From the nature of evidence available on record it would appear that the prosecutrix was having continued sexual relation with the accused on number of

occasions. Albeit she says that their relationship was on account of accused's promise to marry, but there is no proof that she was less than 18 years of age on the date of incident.

6. The aforesaid finding has been recorded by the trial Court for the reason that the entry concerning her age as maintained in the dakhil kharij register (Ex.P/6) does not mention as to the basis on which the entry has been made.

7. Considering the nature of evidence available on record, it is manifest that the trial Court has rightly acquitted the accused persons. There is no substance in this application seeking leave to appeal.

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