

(2019) 07 CHH CK 0176

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1395 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Santosh Nagesiya

RESPONDENT

Date of Decision : 29-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 363, 366 क, 376(2)(ब)

Protection Of Children From Sexual Offences Act, 2012 — Section 6

Citation : (2019) 07 CHH CK 0176

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 I.A. No.1
2. This is an application for condonation of delay in filing the present Cr.M.P.
3. On due consideration, delay of 131 days in filing the Cr.M.P, is condoned. Accordingly, I. A. No.1 is allowed.
4. The trial Court has acquitted the accused of the charges under Sections 363, 366 क, 376(2)(ब) of IPC and Section 6 of Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
5. Although prosecutrix is less than 18 years of age on the date of incident but when examined in Court she has turned hostile and has not supported the case of the prosecution at any stage of her examination.
6. Considering the nature and quality of evidence available on record the present is not a fit case for grant of leave to appeal. Accordingly, Cr.M.P. is dismissed.