

(2019) 08 CHH CK 0185

Chhattisgarh High Court**Case No:** Criminal Miscellaneous Petition (CRMP) No. 1951 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Rajeesh Kashyap

RESPONDENT

Date of Decision: Aug. 27, 2019**Acts Referred:**

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

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.