

(2019) 09 CHH CK 0145

Chhattisgarh High Court

Case No: Criminal Miscellaneous Petition (CRMP) No. 2116 Of 2019

State Of Chhattisgarh Through
Police Station Lailunga

APPELLANT

Vs

ailash Ekka

RESPONDENT

Date of Decision: Sept. 23, 2019

Acts Referred:

- Indian Penal Code, 1860 - Section 363, 366, 376
- Protection Of Children From Sexual Offences Act, 2012 - Section 6

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

Bench: Division Bench

Advocate: R.Tripathi

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. On due consideration, delay of 330 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 is allowed.

3. The trial Court has acquitted the accused of the charges under Sections 363, 366 and 376 of the IPC and Section 6 CRMP No. 2116 of 2019 of the

Protection of Children from Sexual Offences Act, 2012.

4. The accused allegedly abducted prosecutrix and committed forcible sexual intercourse on promise to marry, however, when examined in Court, the

prosecutrix has not supported the prosecution at any stage of her examination. Her mother, Sukanti Bhagat (PW-2), and father, Rameshwar, (PW-3),

have also turned hostile and have not supported the case of prosecution.

5. Considering the nature and quality of evidence available on record, we are not inclined to grant leave to appeal against the acquittal.
6. Accordingly, the present Cr.M.P. deserves to be and is hereby dismissed.