

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CRML LEAVE TO APPEAL No. 207 of 2004

STATE
V/S
JEEV RAJ

Mr. LR UPADHYAY, PP, for the appellant / petitioner

Date of Order : 31.8.2004

HON'BLE SHRI N P GUPTA, J.

ORDER

Heard learned Public Prosecutor, and perused the impugned judgment.

The learned trial Court after appreciating the evidence of the parents of the prosecutrix, so also her own statement, and after taking into account the alleged school certificate, so also the medical examination report, has clearly found that it is not established that the girl was a minor, rather she has been found to be major, it has clearly been considered by the learned trial Court that the father of the girl, being P.W.1, has admitted to have been married some 30 years ago, in his statement, he has given out his age to be 50 years, and has also admitted that the girl was born about 5-7 years after marriage. It is also the case of the prosecution that the girl was already married. Taking an over all view of the matter, the learned trial Court has also found that it is a clear case of consent as well.

I have not been shown anything, to the effect, that from the material on record, this view could not be taken by the learned trial Court at all so as to require interference in appeal.

The petition for leave to appeal is, therefore, dismissed summarily.

(N P GUPTA), J.

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