

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 617 of 2015**

State Of Chhattisgarh Through Station House Officer, Police Station
Ajk, Surajpur, District Surajpur Chhattisgarh.

---- Petitioner**Versus**

Shyam Kartik Yadav S/o Bacchelal Aged About 36 Years R/o Village
Davna, Police Station Ramanujnagar, District Surajpur Chhattisgarh.

---- Respondent

For Petitioner/State:
For Respondent:

Shri B. Gopa Kumar, Dy. Advocate General.
None.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****13/08/2015**

1. This present application has been filed for leave to appeal against the acquittal of the Respondent dated 25.4.2015 by the Special Judge, Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act Surajpur, Distt. Surajpur in Special Sessions Case No.17/2014 of the charge under Sections 450 & 376 IPC read with Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Learned Counsel for the State submits that in view of the evidence of the prosecutrix that the Respondent had intruded into her house in the night and committed sexual assault, acquittal was not justified.
3. We have considered the submission and also gone through the judgment under appeal.

4. The occurrence is stated to have taken place on 18.11.2013 at about 11.00 pm when the husband of the prosecutrix was not at home. The husband of the prosecutrix already had suspicion that she was having an affair with the Respondent. The Respondent was caught in the house at night on the day of occurrence itself but, no police report was lodged immediately. On the contrary, the prosecutrix went away to her maternal home and returned on 23.3.2014 when the police report was lodged. The medical examination four months later was an exercise in futility. Panchayat was held on 24.11.13 when it was decided that due to acrimony between the prosecutrix and her husband, they would live separately. The Trial Court has also adequately considered the absence of any allegations to invoke the provisions of the latter Act.

5. In conclusion, we find no reason to interfere with the acquittal.

6. The Cr.M.P is dismissed.

Sd/-

(Navin Sinha)
CHIEF JUSTICE

Sd/-

(P. Sam Koshy)
JUDGE