

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Revision No.634 of 2015

Balkrishna Sharma, aged about 58 years, S/o Shri Nemichand, Caste Bramhan, R/o Ward No.6, Killapara, Pandariya, P.S. & Tahsil Pandariya, Civil & Revenue District Kabirdham (C.G.)

---- Applicant

Versus

State of C.G. Through Station House Officer, P.S. Pandariya, District Kabirdham (C.G.)

--- Non-applicant

For Applicant: Mr. F.S. Khare, Advocate.

For State: Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

CAV Order

07/08/2015

1. Vide order dated 14-7-2015 passed in Special ST No.110/2015, the Special Judge under the Protection of Children from Sexual Offences Act, 2012 (for short 'the Act of 2012') (FTC), Kabirdham, while discharging the applicant from offence under Sections 354 & 509 of the IPC, framed charge for the offence under Section 8 of the Act of 2012 against which this revision has been filed by the applicant herein stating that no offence under Section 8 of the Act of 2012 is made out and he deserves to be discharged.
2. Learned counsel for the applicant would submit that the Special Court has committed illegality in framing charge for the offence under Section 8 of the Act of 2012 as such, there is no sexual assault with the complainant / victim within the

meaning of Section 7 of the Act of 2012.

3. I have heard learned counsel for the applicant, perused the order impugned and documents filed along with the revision.
4. Under Section 8 of the Act of 2012, whoever, commits sexual assault as defined in Section 7 will be punishable under Section 8. Section 7 of the Act of 2012 states as under: -

“7. Sexual Assault.—Whoever, with sexual intent touches the vagina, penis, anus or breast of the child or makes the child touch the vagina, penis, anus or breast of such person or any other person, or does any other act with sexual intent which involves physical contact without penetration is said to commit sexual assault.”

5. Case of the prosecution in the instant case is that the applicant got circulated letters and complaints to various authorities in which false allegation has been levelled against the prosecutrix stating that she had been in an illicit relation with one Manas Mani Kashyap, teacher of the school where the applicant was posted once upon a time. It is further alleged that in the month of September, 2014, and thereafter, on 3-3-2015, the applicant with intent to outrage her modesty, hurled abuses and threatened her of dire consequences.
6. A bare perusal of the statement of the complainant / victim would show that she has clearly stated that the applicant has not only abused her, but also done *chedkhani* which has duly been supported by her grand-father Faguram Sahu and uncle Manoj Sahu.
7. After hearing learned counsel for the applicant and perusing the material available on record, I do not find any jurisdictional

error in the order framing charge, as there is sufficient material at present for framing charge against the applicant for offence under Section 8 of the Act of 2012. The revision is, therefore, liable to be dismissed and is hereby dismissed, at the admission stage itself.

Sd/-
(Sanjay K. Agrawal)
Judge

Soma