

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Cr. M.P. No. 507 of 2016

State of Chhattisgarh **Versus** Sanjay Baghel

30.06.2016	Shri Arvind Dubey, Panel Lawyer for the Petitioner/Appellant. The instant Cr.M.P. is barred by 24 days of its limitation. By moving I.A.No.1/2016, (application for condonation of delay), learned counsel for the petitioner/appellant prays for condoning the delay. On due consideration, we are satisfied that the petitioner/appellant has satisfactorily explained the delay of 24 days in filing the instant Cr. M.P. Consequently, the same is allowed. Delay of 24 days in filing the Cr.M.P. is condoned. Heard on Cr.M.P. for leave to appeal. The instant Cr.M.P. followed by Acquittal Appeal has been preferred against judgment of acquittal passed by the Special Judge, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Bastar at Jagdalpur (CG) in ST No.77/2015 on 21.12.2015, acquitting the accused from the charges under Sections 363, 366, 376 IPC, Section 3(1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 6 of the Protection of Children from Sexual Offences Act, 2012. It is argued by learned counsel for the petitioner/appellant that the trial Court has wrongly acquitted	

the accused by recording a finding that on the date of incident the prosecutrix was not less than 18 years of age, whereas, from the evidence of father of the prosecutrix as well as the mark-sheet of the prosecutrix, it is fully established that she was less than 18 years on the date of incident.

Exhibit P/3 is the progress report issued by the School, where the prosecutrix studied up to Class 8th. In this document, her date of birth is recorded as 4.6.1999. The incident has been taken place on 1.6.2015. She was less than 16 years of age on the date of incident. Her father PW-1, Sahdev Baghel has stated that his daughter is aged about 16 years and further that the prosecution has seized the mark-sheet (Ex. P/3) from his possession.

In view of the above evidence, we are of the opinion that the Cr.M.P. deserves to be allowed and Leave to Appeal be granted.

Consequently, the instant Cr.M.P. is allowed.

Registry is directed to list the matter under the head 'Acquittal Appeal'. A notice thereof be issued to the respondent on payment of PF as per rules.

Sd/
JUDGE
(Prashant Kumar Mishra)

Sd/
JUDGE
(Chandra Bhushan Bajpai)

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