

HIGH COURT OF CHHATTISGARH, BILASPUR
Order Sheet

CRMP No. 366 of 2017

State Of Chhattisgarh Through Police Station Khairagarh,
Rajnandgaon, Chhattisgarh.

---- Applicant/appellant

Versus

Amirlal Sonwani S/o Kejauram Sonwani, Aged About 25 Years
Caste Satnami, R/o Village Mandla, Police Station Khairagarh,
District Rajnandgaon, Chhattisgarh.

---- Respondent

22-3-2017	Mr. O.P. Sahu, Govt. Adv. for the applicant/ State. Registry has pointed out the default that the copy of the prosecution witnesses and other relevant documents have not been filed. On due consideration, the default pointed out by the Registry is over ruled. Heard on the instant CRMP followed by acquittal appeal which is within limitation. By filing instant CRMP under Section 378 sub-section (3) of the Cr.P.C., 1973 the applicant has prayed that leave to appeal may be granted in the matter and acquittal appeal may be heard on its merit against the judgment dated 5-12-2016 passed by the Additional Sessions Judge, Khairagarh, Distt. Rajnandgaon (CG) in Special Case No. 4/2016 whereby and whereunder learned court below	

	acquitted the accused/respondent of the charges under Section 354-A sub-section (1)(iv) of the IPC read with Section 8 of the Protection of Children from Sexual Offences, 2012 by affording benefit of doubt. Learned counsel for the applicant submits that the Court below wrongly disbelieved the statement of P.W. 5 the prosecutrix (name not mentioned) though the prosecution has duly proved the charges framed against the respondent. Perused the judgment dated 5-12-2016. On due consideration after perusal of the statement of the prosecutrix P.W. 5 and other witnesses, this court is of the considered view that leave to appeal be granted for hearing the acquittal appeal. Consequently, instant CRMP is hereby allowed and disposed of. Registry is directed to register the matter under the head of acquittal appeal. Record of the Court below be requisitioned through usual and fax mode immediately. Appellant is directed to pay PF within 7 days from today. Let notice be issued to respondent through usual and RAD mode returnable within 4 weeks along with copy of instant acquittal appeal and the documents annexed. It is made clear that if the appellant in any	
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	manner avoids service of notice, this Court may consider for issuance of warrant for securing his presence under the provisions of Section 390 of the Cr.P.C. List the matter for hearing on admission immediately after service is complete. Sd/- (Chandra Bhushan Bajpai) Judge	
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