

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 625 of 2018**

- State Of Chhattisgarh Through Police Station Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- Dhananjay S/o Jagdiash Prasad Suryawanshi Aged About 20 Years R/o Village Jagmahant, Police Station Nawagarh, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner/State	:	Shri Vinod Tekam, Panel Lawyer
For Respondent	:	Ms. Shivali Dubey, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

30/10/2018

1. Heard on I.A.No.1/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, same is allowed and delay of 27 days in filing the petition is hereby condoned.
3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) of the Cr.P.C.
4. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 16.11.2017, passed by the Special Judge (POCSO Act), Janjgir, District Janjgir Champa (CG) in Special Cr. Case No.23/2016, wherein the said Court has acquitted the respondent of the charge under

Section 354 of the I.P.C. and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

5. In the present case, the prosecutrix is PW1. Though she deposed before the trial Court that the respondent caught hold of her hand and dragged her, but in cross-examination she admitted that relations between her family and the family of the respondent are not cordial. Vidya Bai (PW2) who is mother of the prosecutrix has also deposed that relations between her family and the family of the respondent are not good. She deposed that an altercation took place between them for a number of times due to flowing of water near the Hand Pump.

6. The trial Court has elaborately discussed the entire evidence adduced by the prosecution and came to the conclusion that the offence charged is not established beyond the shadow of doubt and has marshalled different angles of the case. This Court has no reason to disagree with the finding recorded by the trial Court. It is not a case where the respondent should be called for full consideration of the case. Accordingly, the prayer for leave to appeal is rejected.

7. Consequently, Cr.M.P. stands dismissed. Sd/-

(Ram Prasanna Sharma)
Judge