

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 784 of 2018**

- State of Chhattisgarh through The Police Station Basantpur, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Sanjay Bardiya s/o Jethmal Bardiya aged about 40 Years R/o Beside Jain Bagicha Ward No. 36, Basantpur Police Station Basantpur, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

 For the petitioner/State : Mr. Ramakant Pandey, PL.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****6-9-2018.**

1. Heard on I.A.No. 1 of 2018, which is an application for condonation of delay in filing the instant petition.
2. For the reasons mentioned in the application and as per law laid down by the Hon'ble Supreme Court in the matter of **State of Haryana vs. Chandra Mani and others, reported in (1996) 3 SCC 132**, delay of 15 days in filing the instant petition is allowed.
3. Also heard on application for grant of leave to appeal under Section 378 (3) of the Code of Criminal Procedure 1973.
4. This petition is preferred against the judgment of acquittal dated 8-12-2017 passed by the Additional Sessions Judge

(FTC), Rajnandgaon, District Rajnandgaon (CG) in Special Criminal Case No. 18 of 2017, wherein the said Court acquitted the respondent for commission of offence under Sections 509 and 354-A of IPC 1860 and Sections 10 & 11 of the Protection of Children from Sexual Offences Act, 2012.

5. As per case of prosecution, on 25-6-2017 at about 7.00 pm prosecutrix aged 12 years accompanied with her sister and father to go to a shop of Ice-cream near one Jain garden where the respondent caught hold of her hand and tried forcefully to touch her private part and thereafter the matter was reported and investigated.
6. To substantiate the charge, prosecution examined as many as 16 witnesses.
7. PW/2 Narendra Sahu, and PW/3 Lalita Sahu were father and mother of the victim and prosecutrix and her sister deposed before the trial Court as PW/10 & PW/11. All the four witnesses have not stated anything against the respondent regarding commission of any offence. They have been subjected to leading questions by the prosecution side, but nothing could be elicited in favour of prosecution. Rest of the witnesses assisted the prosecution agency during investigation after registration of first information report. The trial Court has evaluated the evidence in its entirety and found that basic evidence is lacking, resulting in failure of prosecution. Finding

of the trial Court is based on proper evaluation and this court has no reason to interfere with the said finding.

8. Considering the facts and material on record, this court is of the view that it is not a fit case for grant of leave to appeal. Accordingly the application for grant of leave to appeal is rejected. Consequently, the instant CRMP is also dismissed.

Sd/-

(Ram Prasanna Sharma)
JUDGE

Raju