

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1277 of 2018**

State of Chhattisgarh, Through The Incharge Police Station
Mulmula, District -Janjgir-Champa (C.G.)

---- **Petitioner**

Versus

Dina @ Dinu Ratre, S/o Parmanand Ratre, aged about 19
Years, R/o Village Murlidih, Police Station Mulmula, District-
Janjgir-Champa (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Suryakant Mishra, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

05/09/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of C. Tigga.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 78 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 06.01.2018 passed by Special Judge (POCSO Act), Janjgir, District-Janjgir-Champa (C.G.) in Special Criminal Case No. 20/2017,

wherein the said court acquitted the respondent for commission of offence under Section 354 & 354D of IPC and Section 8 of Protection of Children from Sexual Offences Act, 2012.

5. Prosecutrix (PW-1), Anisha Jogi (PW-2) & Anushka (PW-3) are witnesses to the incident, but no one supported version of the prosecutrix. All have state in one voice that there was some quarrel between family of prosecutrix and respondent. The witnesses have been subjected to leading question, but nothing could be elicit in favour of the prosecution. In absence of any incriminating circumstances, the trial court acquitted the respondent.
6. Looking to the facts and circumstances of the case, it is not a fit case to grant leave to appeal. Accordingly, the same is hereby rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge