

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1305 of 2018**

- State Of Chhattisgarh Through The Incharge Police Station Gharghoda, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner**Versus**

- Dayaram Ekka S/o S/o Anandram Ekka, Aged About 25 Years R/o Village Kotrimal, Uraonpara, P. S. Gharghoda, District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma
Order on Board

29/10/2018

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 203 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 5.9.2017, passed by the Second Special Judge(PSCSO), District Raigarh (CG) in Case No. POCSO Act 2012/13/2015, wherein the said Court has acquitted the respondent of the charge

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

5. In the present case, prosecutrix is PW5, who is deaf and dumb. Though she deposed that the respondent caught her and tried to outrage her modesty, but looking to the statement of her husband namely- Lal Sai (PW2), there is dispute between the husband of the prosecutrix and brother of the respondent namely- Mayaram regarding theft of 2 mobiles and 40 kg rice.

6. The trial Court opined that solitary evidence of the prosecutrix is not safe to be acted upon. The finding of the trial Court is based on relevant material placed on record and it is not based on irrelevant or extraneous material. After going through the record, this Court found no reason to record a contrary finding than 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