

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1466 of 2018**

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

---- Petitioner**Versus**

Paritosh Thakur @ Shani, S/o Ashok Thakur, Aged About 20 Years
R/o Sasha Road, Pamgarh, District- Janjgir- Champa (C.G.)

---- Respondent

For State/ Petitioner : Ms K. Tripti, Rao, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****20/09/2018**

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
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 55 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 16.02.2018 passed by Special Judge (POCSO Act), Janjgir, District- Janjgir-Champa (C.G.) in Special Criminal Case No. 13/2017, wherein the said court acquitted the respondent for commission of offence under Sections 341, 506(Part-II) & 323

of IPC & Section 8 of Protection of Children from Sexual Offences Act, 2012.

5. In the present case, Akshada Girolkar-prosecutrix (PW-2) and her mother Sarla Dubey (PW-3) have not supported version of the prosecution. As per version of these witnesses, their bicycle was under accident and that is why they reported the matter. These witnesses have not deposed anything against the present respondent. The prosecution examined one Agardas Banjare (PW-1) to prove age of the prosecutrix, but this witness has clearly stated that on the date of entry i.e. on 01.07.2006 he was not posted in Government Primary School, Janjgir and he is unable to state that how the entry was made in the said register, therefore, school register is not proved and age on the basis of said school register is also not proved. Other evidence, birth certificate or radiological report is also lacking, therefore, there is nothing incriminating against the present respondent.
6. The trial court has evaluated the entire evidence in its true perspective and this Court has no reason to substitute contrary finding. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge