

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1802 of 2018**

The State of Chhattisgarh, Through District Magistrate, District Bastar (C.G.)

---- **Petitioner**

Versus

Manish Prakash Sawal, S/o Late Suresh Prakash Sawal, Aged About 25 Years, Caste- Christian, Occupation- Field Attendant, N.M.D.C. Nagarnar, R/o Behind the Community Building, Nayapara, Aadawal, Jagdalpur, P. S. Bodhghat, District Bastar (C.G.)

---- **Respondent**

For State/ Petitioner : Mr. Lav Sharma, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

08/10/2018

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of Hemsagar Sidar.
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 15.03.2018 passed by Special Judge (SC/ST Act), Bastar at Jagdalpur (C.G.) in Special Case No. 05/2017, wherein the said court acquitted the respondent for commission of offence under Sections 452, 354-A, 323, 506-B of IPC and 3(1)(w)(i) of

Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.

5. In the present case, prosecutrix is PW-5. She has admitted in her cross-examination that she visited Vishakhapatnam with the respondent. She further deposed (Para 16) that she visited Chitrakut Water Fall with the respondent and had photo session with the respondent. The trial court has elaborately discussed the entire version of the prosecutrix and came to conclusion that they have some relation prior to the incident and looking to the statement of prosecutrix, it cannot be said that the respondent made preparation to assault her or intentionally touched her which was of sexual in nature and without recipient consent or it is not a case of physical contact and advances involving unwelcome and explicit sexual overtures.
6. Looking to the entire evidence, the trial court opined that there was previous relation between the parties and act of the respondent is not criminal act. This Court has reassessed the entire evidence and after reassessment, this Court has no reason to substitute any contrary finding. It is not a fit case where respondent should be called for hearing again for full consideration of this petition. 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