

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 994 of 2017**

State of Chhattisgarh, Through Thana Banki Mongra, Korba (C.G.)

---- Petitioner**Versus**

Gajendra Baghel, S/o Rambharos Baghel, Aged About 25 Years, R/o Village Katainar, Qtr. No. CH-120, Police Station Banki Mongra, District- Korba (C.G.)

---- Respondent

For State/ Petitioner	:	Mr. Vivek Sharma, G.A.
For Respondent	:	None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****22/10/2018**

1. Heard on I.A. No. 01/2017, application for condonation of delay in filing the petition which is supported with an affidavit of Smt. Shruti Singh.
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 63 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 10.02.2017 passed by Special Additional Sessions Judge, Katghora (C.G.) in Special Session Trial No. 01/2016, wherein the said court acquitted the respondent for commission of offence under Sections 451, 323, 506 (Part-II) & 354 (A) of IPC and Section 12 of Protection of Children from Sexual Offences Act, 2012 (for short "the POCSO Act, 2012").

5. In the present case, prosecutrix is PW-1. As per version of the prosecution, the respondent entered into her house in order to commit offence. He assaulted and threatened her and committed sexual harassment as defined in Section 354(A) of IPC and Section 11 of the POCSO Act, 2012.
6. Though, the prosecutrix deposed that the respondent entered in her house and proposed her to marry with him, when she denied, he assaulted her. As per version of the prosecutrix, one Sonal intervened into the matter and then respondent flee away. Sonal has been examined by the prosecution as PW-3 and as per version of Sonal (PW-3), there was some relation between prosecutrix and the respondent.
7. Prosecutrix has filed an affidavit before the trial court that nothing happened to her and respondent did not commit any offence. Looking to the statement of Sonal (PW-3) and affidavit filed by the prosecutrix, the trial court opined that the evidence of sexual harassment on the part of the respondent is lacking and version of the prosecutrix is under cloud, therefore, offence as charged is not established.
8. After going through the entire record, this Court has no reason to record contrary finding. It is not a 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.
9. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge