

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1703 of 2017**

- State Of Chhattisgarh Through Police Station Bagicha, District Jashpur, Chhattisgarh

---- **Petitioner****Versus**

- Harihar Yadav S/o Shri Maheshwar Yadav, Aged About 37 Years Caste Mahkul, R/o Pandripani Tukutola, Police Station Bagicha, District Jashpur, ChhattisgarhAccused

---- **Respondent**

For the Petitioner/State : Shri Suryakant Mishra, Panel Lawyer
 For the respondent : Shri Sanjay Pathak, Advocate

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

14.9.2018.

1. Heard on IA No.01/17 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 28 days in filing the petition is hereby condoned.
3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.
4. This appeal has been preferred against judgment of acquittal dated 30.6.2017 passed by Special Judge under Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act'/Additional Sessions Judge (FTC), Jashpur (CG) in Special Case Case No.04/2017 wherein the said Court acquitted the respondent of the charges under Sections 294 and

354(1)(a) of the Indian Penal Code, 1860 and under Section 8 of the POCSO Act.

5. In the present case, to substantiate the charges, the prosecution has examined as many as 7 witnesses. Prosecutrix (PW-1) has not supported the version of the prosecution and as per the version of this witness, no incident occurred against her. Padmavati (PW-3), Rukmani Yadav (PW-4) and Jageshwar Yadav (PW-5) have also not deposed anything against the present appellant. Rest of the witnesses are assisting witnesses during the course of investigation after registration of FIR.

6. As the basic evidence is lacking, the trial Court recorded the judgment of acquittal and this Court has no reason to summon the respondent again.

7. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE