

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2322 of 2018**

- State of Chhattisgarh, through Police Station Chalgali, District Balarnpur, Ramanujganj C.G.

---- Appellant

**Versus**

- Shambhoo Prajapati, S/o Shri Bhuvneshwar Prajapati, aged about 45 years, R/o Village Chamanpur, P.S. Chalgali, District Balarnpur, Ramanujganj C.G.

---- Respondent

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|----------------|-----------------------------|
| For State      | Shri Anupam Dubey, Dy. G.A. |
| For Respondent | None.                       |

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**Hon'ble Shri Justice Manindra Mohan Shrivastava****Hon'ble Shri Justice Gautam Chourdiya****Order on Board****22.11.2018**

1. Heard on prayer for grant of leave to appeal.
2. Learned State counsel argues that the allegations made against the accused are very serious that while he was teaching in the school he committed sexual assault on the minor girl student. He would also submit that even though the prosecutrix and their parents have all turned hostile and have not supported the case of the prosecution, the Investigating Officer has stated that he had taken the statements of the prosecutrix and other witnesses as stated by them and there is nothing to disbelieve the testimony of the I.O.
3. We have gone through the impugned judgment as also the evidence adduced by the prosecution. We find that all the three prosecution witnesses i.e. PW-2, PW-5 and PW-8 (whose names are not being disclosed) were examined during trial and none of them has supported the case of the prosecution. They have stated before the Court that

the appellant did nothing to them and nothing happened to them. The prosecution has also failed to make out any case with the support of medical evidence, so as to say that the prosecutrix, girl of tender age had suffered any sexual assault causing injury to her private parts. In fact, there is no evidence of any kind of sexual assault on the private part or any part of the body of the prosecutrix and the prosecution failed to bring out any such evidence. We also noticed that even the parents of the prosecutrix have not supported the case of the prosecution. The learned trial Court was therefore, left with no option but to acquit the accused on account of it being a case of no evidence at all. We find no reason to interfere with the impugned judgment passed by the trial Court. No case for grant of leave to appeal is made out.

4. Accordingly, the CRMP preferred by the State/appellant being bereft of any substance is liable to be and is hereby dismissed at the admission stage itself.

Sd/-  
(Manindra Mohan Shrivastava)  
Judge

Sd/-  
(Gautam Chourdiya)  
Judge

Akhilesh