

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 252 of 2019

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

---- **Petitioner**

Versus

Lallu @ Mukesh Rathore, S/o – Dileram, Aged about - 25
years, R/o - Indira Nagar Janjgir, Police Station Janjgir, District
- Janjgir Champa (C.G.)

---- **Respondent**

For State/ Petitioner : Shri Afroj Khan, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

28/03/2019

1. Heard on I.A. No. 01/2019, 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 219 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. On due consideration, leave is granted.
5. This petition is preferred against judgment dated 1st March, 2018 passed by Special Judge (under POCSO Act) Janjgir,

District – Janjgir-Champa (C.G.) in Special Criminal Case No. 09/2017, wherein the said court acquitted the respondent for commission of offence under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

6. In the present case prosecutrix is (PW-1). She did not depose anything against the respondent and from the version of this witness no criminal act is established on the part of respondent. Jogender Sahu (PW-2) and Ajit Singh Chauhan (PW-4) have also not deposed anything against the respondent that he committed any criminal act against the prosecutrix.
7. Looking to the entire evidence the trial court recorded finding acquittal. After assessment, this court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge