

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 730 of 2019

State of Chhattisgarh, Through: Station House Officer, Police Station Janjgir, District- Jangir-Champa (C.G.)

---- Petitioner

Versus

Raghuveer Jaiswal, S/o Ram Prasad Jaiswal, aged about 41 years, R/o Tendubhata, Chowki Naila, Police Station- Janjgir, District- Janjgir-Champa (C.G.)

---- Respondent

For State/ Petitioner : Mr. Ravish Verma, Govt. Advocate.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

23/10/2019

1. Heard on application for grant of leave to appeal filed under Section 378 (3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 16.01.2019 passed by Special Judge (Atrocities), District- Janjgir-Champa (C.G.) in Special Case No. 17/2018, wherein the said court acquitted the respondent for commission of offence under Sections 354 of IPC, 1860 & 3(2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (amended 2015).
3. To substantiate the charge, the prosecution examined as many as 6 witnesses. The prosecutrix (PW-1) herself has not supported version of the prosecution. As per the prosecutrix (PW-1), she was conducting examination of computer and at that time, there was some dispute with the respondent

regarding conducting examination of the respondent prior to the examination of others. The other witnesses deposed before the trial court on the same line.

4. On overall assessment, there is no evidence to establish that any act is committed by the respondent for outraging modesty of the prosecutrix. The trial court has elaborately discussed the entire evidence and recorded finding of acquittal. After going through the entire record, this Court has no reason to record contrary finding. It is not a case where any interference of this Court is required with the judgment passed by the trial court. It is also not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, the application for grant of leave to appeal is rejected.
5. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge