

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1006 of 2019

- State of Chhattisgarh Through Station House Officer, Police Station Chuikhadan, Crime No. 115/2018, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- Mukesh Dewar @ Koshan S/o Taren Dewar Aged About 25 Years, R/o Amanaka Kukurbeda, Trimurti Square, Raipur, Police Station Saraswati Nagar, Raipur, District Raipur Chhattisgarh.

---- Respondent

For Applicant/State :- Shri K.K. Singh, GA

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

15/07/2019

1. Heard learned State counsel on I.A. No. 1 as also on admission.

I.A. No.1 of 2019

2. This is an application for condonation of delay in filing the application seeking leave to appeal.
3. On due consideration, application is allowed and delay of 83

days in filing the application is condoned.

4. Accordingly, I.A. stands allowed.
5. The trial Court has acquitted the accused without examining the minor prosecutrix or her parents. Perusal of the order sheet of the trial Court would demonstrate that the trial Court did not make proper efforts to serve the summons on the witnesses. We are not happy with the proceedings drawn by the trial Court while acquitting the accused of the charges under Sections 363, 366, 376 (2)(j)(n) of IPC and Section 6 for violation of Section 5 (ठ) of Protection of Children from Sexual offences (POCSO) Act, 2012.
6. In these circumstances, we are of the considered opinion that the leave to appeal prayed by the State deserves to be and is hereby allowed.
7. Let regular acquittal appeal be registered and notice thereof be sent to the accused on payment of process fee within 3 days.
8. Post the acquittal appeal for hearing on admission in the next week. Copy of this order be sent to Smt. Dhaneshwari Sidar, the then Additional Sessions Judge, Khairagarh.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit