

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No.1460 of 2019

State of Chhattisgarh through the Incharge, Police Station Shankargarh,
District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

versus

Dileshwar, S/o Late Hiraram, aged about 24 years, R/o Village Belkona
(Sarnapara), Police Station Shankargarh, District Balrampur-Ramanujganj,
Chhattisgarh

--- Respondent

For Petitioner	:	Shri Alok Nigam, Government Advocate
For Respondent	:	None

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

3.9.2019

1. Heard on I.A. No.1 for condonation of delay of 98 days in filing the instant Cr.M.P. On due consideration of the reasons mentioned in the I.A., it is allowed and delay is condoned.
2. Heard on admission and perused the impugned judgment, statements of witnesses and other documents available.
3. Vide impugned judgment dated 13.11.2018 passed by the Additional Sessions Judge, Ramanujganj, District Balrampur-Ramanujganj in Special Sessions Trial (POCSO) No.16 of 2017, the Trial Court has acquitted the Respondent of the charges framed under Section 294 of the Indian Penal Code and Section 7/8 of the Protection of Children from Sexual Offences Act (henceforth 'the POCSO Act') in the alternative Section 354 of the Indian Penal Code.
4. There is no dispute on the point that on the relevant date, age of the prosecutrix (PW1) was about 17 years. She, in her Court

statement, has only stated that at the time of incident, when she was along with her friend, the Respondent came to her and asked her when did he abuse her parents, she should go with him to her parents and asked them and thereafter he ran away from there. She has not stated anything else other than the alleged act of the Respondent. This witness has been declared hostile. Rajendra Paikra (PW2), father of the prosecutrix has also not supported the case of the prosecution. Likewise, Manita (PW3), sole eyewitness of the incident has also not supported the case of the prosecution. Both Rajendra Paikra and Manita have also been declared hostile. Therefore, the finding of the Trial Court is in accordance with the evidence available on record. Thus, the Trial Court has rightly acquitted the Respondent.

5. I find no substance in the instant application for grant of leave to appeal. The application (Cr.M.P.) is, therefore, dismissed at the admission stage itself.

Sd/-
(Arvind Singh Chandel)
Judge