

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 1497 of 2019**

- State Of Chhattisgarh Through Police Station - Dongargaon,
District - Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

- Arvind Chandel S Anjor Das Aged About 20 Years R/o Village -
Padumtara, Police Station - Ghumka, Rajnandgaon District -
Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner/State

Mr. Rajesh Singh, Dy.GA

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By****Prashant Kumar Mishra, J****3/7/2019**

1. The default having been removed by filing necessary papers,
we have proceeded to hear learned counsel for the State on
the application (IA No.1) for condonation of delay as also on
admission.
2. On due consideration, IA No.1, an application for condonation
of delay of 13 days in filing the application for leave to appeal
against the judgment of acquittal, is allowed and the delay is

condoned.

3. The trial Court vide its judgment dated 8.2.2019 passed in Special Criminal Case (POSCO Act) No.52/2016 has acquitted the accused from the charges under Sections 363, 366 & 376 (2) of IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
4. From the statements of the prosecutrix (PW-10), her uncle Mahesh Ram Banjare (PW-4), her mother Rekha Banjare (PW-6) and her father Ramesh Banjare (PW-7), it appears, the prosecutrix was having cordial relations with the accused. After turning hostile, the prosecutrix would state that on the date of the incident, she had gone to Dongargarh and on her return, she became late, therefore, she resided in the house of the accused, but he did not perform any illegal act with her.
5. The prosecutrix would not support the prosecution in any manner, therefore, we are satisfied that the view taken by the trial Court, while acquitting the accused, is one possible view in the matter.
6. No case for grant of leave to appeal is made out.
7. Accordingly, the CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Gautam Chourdiya)

Judge