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HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1501 of 2019

1. The State Of Chhattisgarh Through District Magistrate,
Balrampur-Ramanujganj Chhattisgarh

----- Petitioner

Versus

1. Ahsan Alam S/o Ayub Ansari Aged About 20 Years Caste
Musalman, Occupation Students R/o Village Dolangi, Police
Station Ramchandrapur, Present At Village Dhanwar, Police
Station Ramchandrapur, District Balrampur-Ramanujganj
Chhattisgarh

----- Respondent

For Petitioner/StateMs Madhunisha Singh, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, J.Hon'ble Shri Gautam Chourdiya, J.Order on BoardByPrashant Kumar Mishra, J.10-7-2019I.A.No.1

1. This is an application for condonation of delay in filing the appeal.
2. For the reasons mentioned in the application, the delay of 56 days in filing the appeal is condoned.
3. Accordingly, I.A.No.1 stands disposed of.

4. Trial Court has acquitted the accused from the charge under Section 6 of the Protection of Children from Sexual Offences (POCSO) Act, 2012 in alternate Section 376 (2) (n) of the Indian Penal Code.
5. When examined in the Court the prosecutrix has turned hostile. She has not supported the case of the prosecution by making any allegation against the accused, which may constitute the offence alleged against him. It is also not proved that she was less than 18 years of age on the date of incident.
6. In view of the above, it is evident that the trial Court has rightly acquitted the accused. There is no substance in this application seeking leave to appeal.
7. In the result, the appeal, *sans* merit, is liable to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri

Order On Board By

10/07/2019

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PS NameNAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1438 of 2019

1. Santosh Gupta S/o Shri A.P. Gupta Aged About 50 Years
Personnel Manager, Nav Bharat Press, Police Station
Tarbahar, Tehsil And District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Inspector General Of Police Surguja Range, District Surguja
Chhattisgarh.
2. State Of Chhattisgarh Through The Station House Officer,
Police Station Manendragarh, District Korea Chhattisgarh.

---- Respondent

For Petitioner

Shri Ashish Shukla, Advocate

For Respondent/State

Shri Sanjay Agrawal, Govt. Advocate

Order On BoardByPrashant Kumar Mishra, J.26/06/2019

1. Petitioner being a Personnel Manager, Nav Bharat Press,
Bilaspur, has filed this petition alleging inaction by the
concerned police who is not investigating the complaint

despite the fact that the same discloses a cognizable offence. Petitioner would submit that the concerned individual has collected a sum of Rs.4,31,985/-, but has not deposited the same with the Nav Bharat Press and has, thus, committed offence of criminal breach of trust by an agent, which is punishable under Section 409 of the Indian Penal Code (for brevity 'the IPC').

2. At this juncture, learned counsel appearing for the State would submit that Annexure – P/1 would clearly indicate that the petitioner has lodged a complaint before the Inspector General of Police without moving the concerned police as per the provisions of Section 154 of the Code of Criminal Procedure.
3. This Court is convinced with the submission made by the learned State counsel. The petitioner should have approached the concerned Police lodging FIR [First Information Report] against the person who has committed the alleged offence under Section 409 of the IPC,
4. In view of the above, the instant petition is disposed of with direction that in the event the petitioner moves before the concerned police with a complaint/FIR the same shall be investigated by the concerned police, in accordance with law.

Sd/-

Judge
Prashant Kumar Mishra

Gowri