

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1455 of 2019

- State of Chhattisgarh, through Police Station Chalgali, District Balrampur, Ramanujganj (C.G.)

---Petitioner

Versus

- Om Prakash Khairwar, S/o Bechu Ram, aged about 19 years, resident of village Kapildevpur, Police Station Chalgali, district Balrampur, Ramanujganj (C.G.)

---- Respondent

For Petitioner/State : Shri Anand Verma, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

**Order On Board by Hon'ble Shri Justice Manindra Mohan
Shrivastava**

27/06/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the petition.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Application for grant of leave to appeal has been filed by the State in the matter of acquittal of respondent vide judgment dated 28.08.2018 passed in Special Sessions Case (POCSO) No. 37/2016 by Additional Sessions Judge,

Ramanujganj, District Balrampur- Ramanujganj (C.G.)

6. On the basis of the statement of prosecutrix (PW-1), no case is made out for grant of leave to appeal because the learned trial Court was left with no option but to grant acquittal of the accused because the prosecutrix had not, at all, involved him and has completely turned hostile stating that nothing happened to her.
7. Taking into consideration the limited scope of interference against the judgment of acquittal, we are not inclined to grant to leave to appeal.
8. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge