

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1434 of 2018**

State of Chhattisgarh, Through: The District Magistrate,
District – Jashpur (C.G.)

---- Petitioner**Versus**

Sohan Ram Bhagat, S/o - Late Bahadur Ram Bhagat, Aged
About 45 Years, Caste - Uraon, R/o - Village Dumartoli, P. S.
Jashpur, District – Jashpur (C.G.)

---- Respondent

For State/petitioner : Mr. Afroj Khan, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****28/03/2019**

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in (1996) 3 **SCC 132**, the delay of 106 days in filing the petition is condoned.
3. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 13th December, 2017 passed by the Special Judge under the Protection of Children from Sexual Offences Act, 2018, Jashpur, (C.G.) in Special POCSO Case No. 15/2017, wherein the said Court acquitted the

respondent from charge under Section 21(1) of the Act, 2012 for having knowledge that offence of rape is committed against the children (PW-1) and not informing the same to Special Juvenile Police or Local Police as per Section 19 of the Act, 2012.

4. In the present case, the prosecutrix is (PW-1) she did not depose that any offence is committed by person namely Ritesh against her. Though, she deposed that she conceived in the month of August but from her statement it is not clear that any offence is committed against her. Selestina (PW-2) who is mother of the deceased and Jagdev Ram (PW-3) father of the deceased have also not deposed that offence committed against the prosecutrix.
5. Going from the record it is not established that any offence is committed against the prosecutrix, therefore, the question of knowledge of such offence to the respondent and not informing the same as per Section 19 of the Act, 2012 is also not established.
6. The trial Court has elaborately discussed the entire evidence and recorded finding of acquittal of reassessing. After going through the entire record, this Court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition.
7. Accordingly, application for grant of leave to appeal is rejected.

8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

Vasant