

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1970 of 2018**

State of Chhattisgarh, Through the Station House Officer, Police
Station Kodenar, District – Bastar (C.G.) **---- Petitioner**

Versus

1. Sukhram, S/o Late Massiram Kashyap, Aged About 19 Years.
2. Baman Kashyap, S/o Mundra Kashyap, Aged About 20 Years.
3. Budhram Kashyap, S/o Sannu Kashyap, Aged About 19 Years.
4. Baman Markam, S/o Seva Markam, Aged About 19 Years.
5. Ada Markam, S/o Bhadu Markam, Aged About 19 Years.
6. Madda Kashyap, S/o Late Massi Kashyap, Aged About 22 Years.

All are Caste Madiya, R/o Village Bispur, P.S. Darbha, District-
Bastar (C.G.) **---- Respondents**

For State/ Petitioner : Mr. Vinod Kumar Tekam, PL.
For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

07/01/2019

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 180 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 04.12.2017 passed by Additional Sessions Judge (FTC), Bastar at Jagdalpur/ Special Judge, Protection of Children from Sexual

Offences Act, 2012 (for short “the POCSO Act, 2012”) in Special Criminal Case No. 25/2017, wherein the said court acquitted all the respondents for commission of offence under Sections 456, 363, 366 & 354 of IPC, 1860 and Section 8 of the POCSO Act, 2012.

5. In the present case, the prosecutrix is PW-1. To substantiate the charge, the prosecution examined as many as 14 witnesses. The prosecutrix (PW-1), her mother Aayati (PW-2), Smt. Priya Muckahi (PW-3), Samir (PW-4), Sannuram (PW-6), Debo (PW-7), Balsingh (PW-8), Rajesh (PW-10), Sukhmati (PW-11) & Aayatu (PW-12) have not supported version of the prosecution. They did not state anything incriminating against any of the respondent. Rest of the witnesses have assisted during investigation after registration of FIR.
6. The trial court has elaborately discussed the entire evidence and came to conclusion that the evidence regarding any of the offence is lacking. 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. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge