

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRMP No. 2062 of 2019**

State of Chhattisgarh, Through - Police Station Bilaigarh, District-Balodabazar-Bhatapara (C.G.)

**---- Petitioner**

**Versus**

Nutan Patel, S/o Luman Patel, aged about 32 years, R/o Village-Manakoni, Chowki- Giroudpuri, Police Station- Gidhoura Tundra, District- Balodabazar-Bhatapara (C.G.)

**---- Respondent**

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For State/ Petitioner : Mr. Raghvendra Verma, G.A.

For Respondent : None.  
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**Hon'ble Shri Justice Ram Prasanna Sharma**

**Order On Board**

**16/10/2019**

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 28.06.2019 passed by Special Judge (Atrocities), Balodabazar, District-Balodabazar (C.G.) in Special Sessions Trial No. 23/2018, wherein the said court acquitted the respondent for commission of offence under Section 354-A of IPC, 1860 & Section 3(1)(w)(i) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (amended 2015).
3. Case of the prosecution is based on statement of the prosecutrix (PW-1). As per version of the prosecutrix, the incident took place on 23.09.2018, but report was lodged in Police Station- Gidhoura on 29.09.2018 i.e. after six days of

the incident. No explanation is assigned for delay of six days in lodging the report. If the delay is explained, then statement of the prosecutrix is dependable, but when delay is not explained, statement of the prosecutrix is not dependable.

4. The offence is committed by conversation of prosecutrix and the respondent. The prosecutrix deposed before the trial court regarding conversation at the time of incident, but what is stated by her is not mentioned in her statement recorded under Section 161 of the Cr.P.C.
5. Looking to the omission in her previous statement, the trial court opined that this witness is exaggerated her version, therefore, it is not safe to act on statement of the prosecutrix and the same is not sufficient for basing conviction of the respondent.
6. After going through the entire record, it appears that it is not a case where any interference of this Court is required with the judgment passed by the trial court. It is also not a case where respondent 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