

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2109 of 2019

State of Chhattisgarh, Through- The Police Station Kusmi
District- Balrampur-Ramanujganj (C.G.) ---- **Petitioner**

Versus

Nitesh Shirvastava, S/o- Ganga Prasad Shrivastava, Aged
about- 21 years, R/o- Village Samri Road, Kanjiya, P. S.
Kusmi, District- Balrampur-Ramanujganj (C.G.) --- **Respondent**

For State/Petitioner : Mr. Raghvendra Verma, Govt. Advocate

For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

16/10/2019

1. Heard on I.A. No. 1/2019, which is an application for condonation of delay in filing the instant 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 37 days in filing the petition is condoned.
3. 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 24th April, 2019 passed by Additional Sessions Judge, Ramanujganj, District- Balrampur (C.G.), in Special Session Case (POCSO) No. 89/2015, wherein, the said Court acquitted the respondent for charge under Section 12 of Protection of Children from

Sexual Offences Act, 2012, Section 354 (A) & 506 of Indian Penal Code, 1860.

5. To substantiate the charges, the prosecution examined Rampravesh Singh (PW-1), prosecutrix (PW-2), Priya Gupta (PW-3), Sushil Kumar Singh (PW-4), Naval Say Painkra (PW-5) and D. Toppo (PW-6). Prosecutrix (PW-2) does not support version of the prosecution. The other witnesses have also not deposed anything against the respondent regarding commission of offence.
6. On in overall assessment, the Trial Court came to the conclusion that charges labeled against the respondent is not proved. After reassessing the entire evidence, this Court has no reason to record contrary finding regarding commission of offence. It is not a case where respondent should be called for hearing again for full consideration of this petition.
7. Accordingly, application for grant of leave to appeal is rejected. Consequently, this petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge