

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2153 of 2019

The State of Chhattisgarh, Through- District Magistrate, Janjgir-
Champa (C.G.) **---- Petitioner**

Versus

Suresh Pal Azad, S/o Sammelal Azad, Aged About 31 Years, R/o
Village- Daganiya, P.S.- Kosir, District- Raigarh. Present at Village-
Sapos, P.S.- Dabhra, District- Janjgir-Champa (C.G.)

---- Respondent

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

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

06/11/2019

1. Heard on I.A. No. 01/2019, 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 111 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 13.02.2019 passed by Special Judge (POCSO Act), Sakti, District- Janjgir-Champa (C.G.) in Sessions Trial No. 03/2018, wherein the said court acquitted the respondent for commission of offence under Section 354A of IPC, 1860 & Section 8 of Protection of

Children from Sexual Offences Act, 2012 (for short “the POCSO Act, 2012”).

5. In the present case, the prosecutrix is PW-2. She has not supported version of the prosecution. The other witnesses namely Radheshyam Patel (PW-1) who is father of the prosecutrix, Kamini Patel (PW-3) who is mother of the prosecutrix, have also not supported version of the prosecution. There is nothing on record to show that the respondent committed any physical contact and advances involving unwelcome and explicit sexual overtures. There is nothing on record to establish the charge under Section 354A of IPC. Again, there is nothing on record to establish sexual assault as has been defined in Section 7 of the POCSO Act, 2012.
6. The trial court elaborately discussed the entire evidence and recorded finding of acquittal. After reassessing the same, this Court has no reason to record contrary finding. 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, the application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge