

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2270 of 2019**

- The State Of Chhattisgarh Through Police Station Tarbahar, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

1. Smt. Riya Yadav @ Rita Yadav W/o Dipesh Kumar Yadav Aged About 30 Years R/o Ramayan Chowk, Chantideeh Sarkanda, Police Station Sarkanda, District Bilaspur, Chhattisgarh, Present R/o Vaishali Nagar, Opposite Rama Magneto Mall, Tarbahar, Bilaspur, Chhattisgarh.
2. Ku. Lata Singh W/o Late Bhagwati Singh Aged About 46 Years R/o Behind Ananda Hotel, Vyapar Vihar, Police Station Tarbahar, Bilaspur, Chhattisgarh.
3. Ballu @ Balram Kesharwani S/o Premlal Aged About 29 Years R/o Gondpara, Ward No.20, Police Station City Kotwali, Bilaspur, Chhattisgarh.
4. Pratik Bharti S/o D.R. Bharti Aged About 31 Years R/o Kashyap Colony, Karbala, Police Station City Kotwali, District Bilaspur, Chhattisgarh.

---- Respondents

For Applicant-State

:- Shri Neeraj Mehta, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya**

Order On Board

By

Prashant Kumar Mishra,J.

06/11/2019

1. On due consideration delay of 268 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the respondents No.1 and 2 of the charges under Sections 370(क), 376(घ) and Section 6 of the Protection of Children from Sexual Offences Act, 2012 while respondents No. 2 and 3 have been acquitted of the charges under Sections 370 read with Section 34 in alternative section 370, 376(घ) and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. Having heard learned State counsel on admission it appears that the prosecutrix has made allegation against respondent No.1 Riya Yadav @ Rita Yadav and respondent No.2 Ku. Lata Singh, however, she has refused to identify respondent No.3 Ballu @ Balram Kesharwani and respondent No.4 Pratik Bharti.
4. Considering the nature of allegation and the evidence

against respondents No.1 and 2, we are inclined to grant leave to appeal against respondent No.1 Riya Yadav @ Rita Yadav and respondent No.2 Lata Singh.

5. The Cr.M.P. is dismissed against the respondent No.3 Ballu @ Balram Kesharwani and respondent No.4 Pratik Bharti.
6. Let regular acquittal appeal be registered and the same be placed for consideration in the last week of November, 2019.

SD/-

(Prashant Kumar Mishra)
Judge

SD/-

(Gautam Chourdiya)
Judge

Ayushi