

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2383 of 2018**

- State Of Chhattisgarh Through Police Station Sakti District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- **Petitioner****Versus**

- Omprakash Patel @ Motu Patel S/o Puniram Patel Aged About 25 Years R/o Village Jongra ,police Station Sakti ,district Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

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For Petitioner : Smt. M. Asha, Panel Lawyer

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**Hon'ble Shri Justice Ram Prasanna Sharma**  
**Order on Board**

**03.01.2019**

1. Heard on I.A.No.1/2018, application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application, the same is allowed and delay of 73 days in filing the petition is condoned.
3. Also heard on the application for grant of leave to appeal filed under Section 378 (3) Cr.P.C.
4. The instant Cr.M.P. has been filed seeking leave to appeal against the judgment dated 15.5.2018, passed by the Special Sessions Judge(Atrocities), District Janjgir Champa (CG) in Special Sessions Trial No. 22/2016, wherein the said Court has acquitted the respondent of the charges under Sections 454, 354 of the IPC and Section 3 (1) (w) (i) of the

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989/ Amendment Act, 2015.

5. To substantiate the charge, prosecution has examined as many as 8 witnesses. Prosecutrix (PW4) has not supported the version of the prosecution. She did not depose that the respondent has intentionally touches her knowing that she belongs to a member of Scheduled Caste, when such act of touching is of a sexual nature and is without the recipient's consent. As per version of the prosecutrix her husband has put her signature on a blank paper and pressurized her to make statement against the present respondent. Other witnesses are not the witnesses of the incident, but they are hearsay in nature to whom the incident is informed.

6. The trial Court has discussed the entire evidence and came to the conclusion that any of the charge is not established against the respondent looking to the evidence. After going through the record, this Court has no reason to substitute a contrary finding. It is not a case where the respondent should be called for full consideration of this petition/appeal. Accordingly, the prayer for leave to appeal is rejected.

7. Consequently, Cr.M.P. stands dismissed.

Sd/

**(Ram Prasanna Sharma)**

Judge