

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2528 of 2018

State of Chhattisgarh, Through - Police Station Chhuikhadan, District
- Rajnandgaon (C.G.)

---- Petitioner

Versus

Gajendradas Manikpuri, S/o - Rikhidas Manikpuri, Aged about - 24
years, R/o - Village Bhadera, Police Station Gandai, District –
Rajnandgaon
(C.G.)

---- Respondent

For State/ Petitioner : Shri A. N. Bhakta, Dy Advocate General
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

20/03/2019

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 15 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 4th August, 2018 passed by Additional Sessions Judge, Khairagarh, District – Rajnandgaon (C.G.) in Special Sessions Case No.

01/2018, wherein the said court acquitted the respondent for commission of offence under Sections 354 (d) & 509 of IPC, 1860 and Section 12 in violation of Section 11 of the Protection of Children from Sexual Offences Act, 2012.

5. As per version of the prosecutrix (PW-3), who is a minor girl, the respondent was in habiting to harass the prosecutrix with filthy language and used colour remarked against the prosecutrix. On the date of incident i.e. on 19.10.2017, at around 8:30 p.m. when prosecutrix along with her another sister was going to her uncle's resident, the respondent stopped her and forcibly offered suit piece. The matter was reported, the respondent was charge-sheeted and acquitted as mentioned above.
6. The prosecutrix (PW-3) did not deposed anything about the present respondent and she stated about one Tekeshwar who is not charge-sheeted before the Trial Court. The other witnesses namely Anjali (PW-1) & Muskan (PW-2), deposed on the same line. The other witnessess are not witnessed to the incident. Looking to the entire evidence, the Trial Court opined that the charges levelled against the respondent are not established. As evidence is totally lacking, finding of the Trial Court is based on material on record which is not liable to be interfered.
7. The trial court elaborately discussed the entire evidence and recorded finding of acquattal. After reassessing the evidence, this Court has no reason to record contrary finding. It is not a

case where respondent should be called for hearing again for full consideration of this petition.

8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

N.Mohle