

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURACQA No. 668 of 2019

1. Ku. Bharti Sahu Aged About 17 Years Minor Through Her Natural guardian mother Vimla Sahu, W/o Suresh Sahu, Aged 40 Years, R/o Village B. S. U. P. Colony, House No.9, P.S - D. D. Nagar, Tahsil And District Raipur Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Police Station Incharge Officer, D. D. Nagar, Tahsil And District Raipur Chhattisgarh
2. Raju Masih S/o Late Manrakhan Masih, Aged About 60 Years
3. Smt. Lalita Masih W/o Raju Masih Aged About 54 Years

Both are R/o Sarona, B. S. U. P. Colony, House No. 6 Block No. 11, P.S. - D. D. Nagar, District Raipur Chhattisgarh

---- Respondents

For Appellant	:	Shri Jeet Patel, Advocate
For Respondent/State	:	Shri K.K. Singh, Govt. Advocate

And

CRMP No. 2492 of 2019

1. State Of Chhattisgarh Through The Police Station D.D. Nagar, District Raipur Chhattisgarh.

---- Petitioner

Versus

1. Raju Masih S/o Late Manrakhan Masih Aged About 60 Years
2. Smt. Lalita Masih W/o Raju Masih Aged About 54 Years

Both are R/o At Village Sarona, BSUP Colony, House No. 6,
Block -11, Police Station D.D. Nagar, Raipur Chhattisgarh.

----- Respondents

For Petitioner/State Shri K.K. Singh, Govt. Advocate

Hon'ble Shri Prashant Kumar Mishra, J.

Hon'ble Shri Gautam Chourdiya, J.

Order on Board

By

Prashant Kumar Mishra, J.

20-11-2019

1. Record of the trial Court being available, the defect pointed out by the Registry in CRMP filed by the State is ignored.

I.A.No.1

2. This is an application for condonation of delay in filing the Cr.M.P.
3. For the reasons mentioned in the application, the delay of 35 days in filing the Cr.M.P. is condoned.
4. Accordingly, I.A.No.1 stands disposed of.
5. Both the matters are arising out of the same judgment of acquittal rendered by the trial Court acquitting the accused No.1 from the charges under Sections 376 (2)(अ) & 506 (Part-II) of the Indian Penal Code and Section 6 of the POCSO Act, 2012 and accused No.2 from the charge under Section 376 of the IPC read with Section 17 of the POCSO Act, 2012.

6. Having seen the statement of the prosecutrix (PW-1), aged about 16 years, we are inclined to admit the Acquittal Appeal filed by the prosecutrix and to grant leave to the State for prosecuting the acquittal appeal.
7. As a sequel, the *Cr.M.P. filed by the State is allowed* and the *Acquittal Appeal filed by the prosecutrix is admitted*. Let regular acquittal appeal be registered in the leave to appeal preferred by the State.
8. Thereafter, notice be issued in both the acquittal appeals on payment of process fee by the respective appellants. Simultaneously, issue bailable warrant for a sum of Rs.1.00 lac against each of the accused for their appearance before this Court on 24th January, 2020.
9. Post both the Acquittal Appeals on 24th January, 2020.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge

Gowri