

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 24 of 2019**

State of Chhattisgarh, Through : Station House Officer, Police Station, Saragaon, District - Janjgir-Champa (C.G.)

---- **Petitioner**

Versus

1. Romendra Suryavanshi, S/o Ramadhar Suryavanshi, Aged About 19 Years, R/o Suryavanshi Mohalla Sarwani.
2. Ravi Kharsan/ Suryavanshi, S/o Kaliram Suryavanshi, Aged About 18 Years, R/o Bandhanpara Sarwani, District- Janjgir-Champa (C.G.)

--- **Respondents**

 For State/ petitioner : Mr.Vijay Bahadur Singh, Panel Lawyer.
 For Respondents : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

15/02/2019

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 100 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 28th May, 2018 passed by learned Special Judge (POCSO Act, 2012), Janjgir, District- Janjgir-Champa (C.G.) in Special Criminal

Case No. 03/2017 wherein, the said court acquitted all the respondents for commission of offence under Section 354 of IPC, 1860 and in alternate Section 8 of the Protection of Children from Sexual Offences Act, 2012.

5. In the present case, the prosecutrix is (PW-1). She did not support version of the prosecution while examination before the Trial Court. As per version of this witness, no assault was made by any of the respondent against her. Prema Bai Mahant (PW-2) who is mother of the prosecutrix also did not depose against any of the respondent. As per version of this witness, there was dispute with some women regarding wasting of water that is why the prosecutrix lodged the report and from evidence of this witness, there is nothing to say that any assault was made by any of the respondent.
6. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondents is not established. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
7. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge