

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.77 of 2019**

- State Of Chhattisgarh Through The Station House Officer, Police Station Janjgir District Janjgir Champa Chhattisgarh

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

- Sanjay Sahu S/o Ramayan Sahu Aged About 23 Years R/o Naharpar, Near Bajrangbali Mandir, Ward No. 20, Janjgir District Janjgir Champa Chhattisgarh

---- **Respondent**-----
For the Petitioner/State : Shri Raghavendra Pradhan, Govt.

Advocate

For the respondent : None
-----**Hon'ble Shri Justice Ram Prasanna Sharma****Judgment On Board****14.02.2019.**

1. Heard on IA No.01/2019 for condonation of delay in filing the petition.

2. On due consideration, the application is allowed and the delay of 80 days in filing the petition is hereby condoned.

3. Also heard on application for grant of leave to appeal under Section 378(3) of CrPC.

4. This petition is preferred against the judgment of acquittal dated 20.6.2018 passed by Special Judge under the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act') Distt. Janjgir Champa (CG) in Special Criminal Case No.30/2017 wherein the said Court acquitted the respondent for the charges under Sections 354D, 323 & 506 of the Indian Penal Code and under Section 12 of the POCSO Act, 2012.

5. In the present case, prosecutrix is PW-1. She deposed in her examination-in-chief that on the date of incident she was standing on the terrace of the house at about 6.00 pm, the appellant came there and asked her for conversation and when she denied, he slapped her. But this witness is not firm in her statement deposed in examination-in-chief. In her cross-examination she deposed that the respondent did not slap her but tried to slap her. She further deposed that the respondent came to her house on the date of incident for the first time. Looking to the entire evidence, the trial Court opined that it is not a case where respondent followed the prosecutrix repeatedly. Therefore, charges levelled against him is not established and harassment on the part of the respondent is also not established. Other witnesses cited by the prosecution are either hearsay witnesses or they did not depose anything against the respondent. Looking to the entire evidence the trial Court opined that charges levelled against the respondent is not established.

6. After reassessing the entire evidence, this Court has no reason to record a contrary finding. It is not a case where the respondent should be called for full consideration of the matter.

7. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE