

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 232 of 2019

State of Chhattisgarh, Through: Police Station Ajak, Janjgir,
District – Janjgir- Champa (C.G.)

---- Petitioner

Versus

Sohan Kumar Sahu, S/o - Ramlal Sahu, Aged about - 19
years, R/o - Village Katoud, Thana Nawagarh, District - Janjgir
Champa (C.G.)

---- Respondent

For State/ Petitioner : Shri Ravish Verma, Govt. Advocate.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

28/03/2019

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 119 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 24th May, 2018 passed by Special Sessions Judge [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

(amended Act 2015)], Janjgir-Champa (C.G.) in Special Sessions Case No. 17/2016, wherein the said court acquitted the respondent for commission of offence under Sections 366 (A) of the IPC, 1860 & under Section 16 of the Prevention of Children from Sexual Offences Act, 2012 and Section 3(2) (5) of the Scheduled Caste & Scheduled Tribes (Prevention of Atrocities) Act, 1989, Amended Act, 2015.

5. In the present case prosecutrix is (PW-2), she has not supported the version of prosecution before the trial Court. As per version of this witness she left the house of her grandmother without informing members of her house. She is not stated that appellant committed any criminal act against her. The other witnesses deposed regarding leaving of house by prosecutrix.
6. From the entire evidence it is not established that respondent seduce the prosecutrix for illicit intercourse or respondent committed abatement of the said offence and that too on the basis of caste.
7. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondents are 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.

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