

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 210 of 2019

State of Chhattisgarh through Police Station- Sanna, District-
Jashpur, (C.G.)

---- **Petitioner**

Versus

Vidya Yadav, S/o - Shankar Yadav, Aged about - 19 years,
Caste - Mahakul, R/o Village- Dobh Sarnatoli, Police Station-
Sanna, District- Jashpur (C.G.)

---- **Respondent**

For State/ Petitioner : Shri Vijay Bahadur Singh, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

27/02/2019

1. Heard on I.A. No. 01/2018, 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 103 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 26.05.2018 passed by Special Judge [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended Act

2015)], Jashpur (C.G.) in Special SC/ST Case No. 4/2017, wherein the said court acquitted the respondent for commission of offence under Sections 354 & 354 (A) (i) of the IPC, 1860 & under Section 3(1)(B) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (amended 2015).

5. In the present case prosecutrix is (PW-1), though she deposed before the trial court that respondent reached to the spot where he was collecting wood and asked her whether her child is with her or not? When she replied that child is not with her the appellant pressed her breast and on her objection he fled away. There is no eyewitness account to the incident and there is one defence witness namely Naresh Yadav (DW-1) who deposed that the respondent kept a bundle of wood on the head of the prosecutrix and except for keeping bundle, he did not act further more.
6. Version of the prosecutrix is rebutted by version of Naresh Yadav (DW-1). From the evidence of the prosecutrix, it appears that there is enmity between father of the respondent and husband of the prosecutrix. It has come on evidence that one meeting was arranged for the said incident where the prosecutrix and her husband told to father of the respondent that now who will save them which shows that the prosecutrix and her husband have grudge against the respondent and his father.

7. Looking to the entire evidence the trial court opined that charges leveled against the appellant is not established beyond shadow of doubt and extended benefit of doubt to the respondent.
8. View taken by the trial court is one of the plausible view for which the trial court has elaborately discussed the entire evidence and after going through the record, this Court has no reason to record contrary finding. It is not a case where the respondents should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge