

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.578 of 2020

The State of Chhattisgarh, Through Police Station AJK Janjgir
District Janjgir Champa (CG)

---- Petitioner

Versus

Santosh Sahu, S/o. Dujram Sahu, Aged about 36 years, R/o.
Village Ghuthiya (Lachhanpur) PS Janjgir, Distt. Janjgir
Champa (CG)

---- Respondent

For the Petitioner/State : Shri DK Tiwari, Dy. Govt. Advocate
For the Respondent : --

Hon'ble Shri Justice Ram Prasanna SharmaOrder On Board05.3.2020

1. Heard on IA No.01/2020 for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and the law laid down by Hon'ble Supreme Court in the matter of **State of Haryana Vs. Chandra Mani & Ors.** reported in **1996 3 SCC 132**, the delay of 279 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 has been preferred against judgment of acquittal dated 15.02.2019 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

(for short 'the Act 1989') Distt. Janjgir (CG) in Special Case No.19/2018, wherein the said Court acquitted the respondent for charge under Sections 354 and 323 of the Indian Penal Code, 1860 and under Section 3(2)(v) of the Act, 1989/2015.

5. In the present case, prosecutrix is PW-1. The prosecutrix did not support the version of the prosecution. As per the version of this witness, some altercation took place between her and the respondent, thereafter she was running fast and fell down and sustained injuries. From her statement there is nothing to establish that any assault or criminal force was used against her by the respondent to outrage her modesty. In absence of evidence, the trial Court recorded finding of acquittal.

6. After going through the entire record, this Court is of the view that it is not a case where interference of this Court is required with the judgment of the trial Court. It is also not a case where the respondent should be called for full consideration of the case.

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

Sd/-
(Ram Prasanna Sharma)
JUDGE