

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 636 of 2020**

- State of Chhattisgarh, Through Police Station- Dabhara, Distt.- Janjgir- Champa, C.G.

---- appellant

Versus

- Damrudhar S/o Badri Prasad Sahu, aged about 20 years, R/o Churaghata, Thana- Dabhara, Distt.- Janjgir- Champa C. G.

---- Respondent

For Appellant : Ms. Madhunisha Singh, P. L.

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Judgment on Board by Justice Prashant Kumar Mishra

12/03/2020

Heard on IA No. 01, application, for condonation of delay of 92 days in filing the CRMP.

2. Upon due consideration, delay of 92 days in filing the CRMP is condoned. Accordingly, the application (IA No. 01) is allowed.
3. Also heard on application for grant of leave to appeal under Section 378(3) of Code of Criminal Procedure, 1973.
4. By the Judgment dated 27.08.2019, passed by Special Judge (POCSO Act), Shakti, District- Janjgir- Champa, C.G. in Special Criminal Case No. 21/2018, accused/respondent Damrudhar has

been acquitted of the charges under Sections 363, 366 of Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012 (henceforth "POCSO Act") in the alternative under Section 376 (2) (j) of Indian Penal Code.

5. The prosecutrix examined as PW-02 has not supported the prosecution at any stage of her examination. Even after being declared hostile and cross-examined by the prosecution she denied that the accused had committed any offence.
6. Considering the statement of the prosecutrix, the view taken by the trial Judge does not appear to be perverse, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge