

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 623 of 2020**

- State of Chhattisgarh, Through Police Outpost Daura, Police Station Kapu, Raigarh, District- Raigarh (C.G.).

---- appellant

Versus

1. Dinesh Yadav S/o Late Dileshwar Yadav, aged about 21 years,
2. Rajesh Yadav S/o Mitrabhan Yadav aged about 19 years,

Respondent Nos. 1 & 2 both are R/o. Village Karangabahla, Police Station Pathalgaon, District- Jahspur (C.G.).

---- Respondent

For Appellant : Smt. Fouzia Mirza, Additional A. G.

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 444 days in filing the CRMP.

2. Upon due consideration, delay of 444 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 10.09.2018, passed by Additional Sessions Judge (FTC), Raigarh, C.G. in Special Criminal Case No. 73/2017,

accused/respondent No. 1- Dinesh Yadav has been acquitted of the charges under Sections 363, 366, 342 & Section 376 of IPC & Section 4 of the Protection of Children from Sexual Offences Act, 2012 (henceforth "POCSO Act") & accused/ respondent No. 2- Rajesh Yadav has been acquitted of the charges under Sections 363, 366, 34 of IPC and Sections 4, 6 read with Section 17 of the POCSO Act.

5. The prosecutrix examined as PW-02 has turned hostile and not supported the prosecution at any stage of her examination. She has clearly stated that on the date of incident she met with an accident and suffered the injuries and that the accused persons have not committed any offence with her. Her statement is supported by Sunita Mahant (PW03) & Narad Das (PW05), both are close relative of the prosecutrix. Her parents have not been examined.
6. Considering the lack of evidence, 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