

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 57 of 2020

- State of Chhattisgarh, Through- Station House Officer, Police Station- Kharsiya, District- Raigarh (C.G.) ---- **Petitioner**

Versus

- Satyam Sagar @ Sagar, S/o Daras Ram Sagar, Aged about- 20 years, R/o Harijan Mohalla, Kharsiya, Police Station- Kharsiya, District- Raigarh (C.G.) ---- **Respondent**

 For State/Petitioner : Smt. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board05/02/2020

1. Heard on I.A. No. 01/2020, which is an application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 197 days in filing the instant 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 the judgment dated 1st March, 2019 passed by In-charge, Additional Sessions Judge (F.T.C.), Raigarh (C.G.) in Special Criminal Case under the POCSO Act No. 88/2015 wherein the said Court acquitted the respondent for charge under Sections 354-B of Indian Penal Code, 1860 and under Section 8 of the Protection of Children from Sexual Offences Act, 2012.

5. In the present case, the prosecutrix is PW-1. As per version of the prosecutrix (Para-2) before the trial Court in examination-in-chief that the appellant outraged her modesty by using criminal force against her body, but in her cross-examination she admitted that on the date of incident i.e. on 16th September, 2015 dispute took place between father of the prosecutrix and the respondent for recovery of loan amount and on instigation of her father, she reported the matter to the police station so that the respondent will not demand the money. She further deposed (Para-12) that she stated before the trial Court as per advice of her father. She further deposed that no incident took place against her.
6. Taking into consideration the statement of the prosecutrix, the trial Court recorded finding that the prosecutrix is not stable and she is deposing differently at different stages, therefore, commission of offence by the respondent is not established. After going through the record, it is not a case where interference of this Court is required in the judgment of the trial Court. It is not a case where the respondent should be called for full consideration of this petition.
7. Accordingly, the application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge