

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceeding through Video Conferencing)

Criminal Appeal No. 715 of 2021

- Mohammad Asif, S/o Noor Mohammad, aged about 23 years, R/o Puchapaar, Katghora, P.S. Katghora, Tehsis and District Korba (C.G.)

---- Appellant

Versus

- State of Chhattisgarh, Katghora, District Korba (C.G.)

---- State/Respondent

For Appellant : Shri Aditya Khare, Advocate

For Respondent/State : Shri Anand Verma, Deputy Government Advocate

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

27.08.2021

1. This appeal by the accused/appellant under Section 14-A (2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is directed against the order dated 16.06.2021 passed by the Learned Special Judge, SC & ST (P.A.), Korba, District Korba (C.G.) in Special Case (STSC) No. 27/2021, rejecting his regular bail under Section 439 Cr.P.C. The appellant is in jail since 02.03.2021 in connection with Crime No. 59/2021 for the offence punishable under Sections 376 & 506 of IPC and Sections 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, registered at Police Station Katghora, District Korba (C.G.).
2. On the last date of hearing i.e. 11.08.2021, this Court directed the State counsel to inform the concerned Investigating Officer to remain present before this Court on the next date of hearing alongwith relevant documents relating to age of the prosecutrix including her birth certificate, if any.
3. Today, Mangtu Markam, A.S.I., P.S. Katghora, District Korba, is present in person in the Chamber of Shri Anand Verma, Deputy Government Advocate

alongwith Primary School Marksheet, Progress Report of Class-VIII as well as *Dhakhil-Khariz* Register pertaining to the prosecutrix. Copies of the aforesaid documents have been filed by the State counsel with an application for taking the same on record.

4. The application is allowed and the aforesaid documents are taken on record.
5. In all these documents, the date of birth of the prosecutrix is mentioned as 04.10.2000, whereas incident took place in the year 2017 and as such on the date of incident, the prosecutrix was below 18 years age.
6. Prosecutrix is connected through video conferencing from District Legal Services Authority, Korba and she also stated that her date of birth is 04.10.2000.
7. The concerned Investigating Officer to submit all the relevant documents pertaining to age of the prosecutrix before the trial Court.
8. In view of the above, learned counsel for the appellant seeks to withdraw this appeal with liberty to file appropriate application before the appropriate bench.
9. Accordingly, the appeal is dismissed as withdrawn with the liberty as stated above.
10. Certified copy of the impugned order of the trial Court be returned to the counsel for the appellant after retaining the photocopy of the same.

Sd/-

(Gautam Chourdiya)
Judge