

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1924 of 2019**

State of Chhattisgarh, Through its Station House Officer, Police Station Kunkuri,
District Jashpur (C.G.)

---- Petitioner

Versus

Tribhuwan Papinde S/o Kalindar Papinde, aged about 42 years R/o Village
Kunjara, Police Station Kunkuri, District Jashpur (C.G.).

--Respondent

For Petitioner	:	Ms. Reena Singh, PL
For Respondent	:	None

Hon'ble Shri Justice Deepak Kumar Tiwari
Order on Board

09/12/2021

Heard on admission.

1. The instant CRMP under Section 378 (3) of the Code of Criminal Procedure has been preferred for grant of leave to appeal against the judgment of acquittal dated 24/09/2018 passed in Special (SC/ST) Case No. 04/2018 (State of Chhattisgarh v. Tribhuwan Papinde) by the court of Special judge (SC/ST Prevention of Atrocities Act, 1989) whereby the respondent/accused has been acquitted from the charges framed under Section 354 (A)(i) of the IPC, Section 8 of the POCSO Act and Section 3 (1)(B)(i) of the SC/ST Prevention of Atrocities Act, 1989.

2. Counsel for the State submits that the judgment of acquittal passed by the trial Court is unjust, improper and bad in law, therefore, he prays to grant special leave to appeal.
3. I have heard learned counsel for the petitioner/State and perused the statements of witnesses and record minutely.
4. The Prosecutrix (PW1) has clearly deposed that the accused did not commit anything with her. This witness has become hostile and has not supported the case of the prosecution in any manner. Other victim girls namely Ku. Rinki Bai (PW3) and Ku. Sunita Bai (PW4) have also not supported the case of the prosecution and clearly stated in their statements that the accused did not commit any incident with them too. Other witnesses namely Kalabati Bai (PW5), Ramlal Ram (PW6) and Sukhnath Ram (PW7) have been declared hostile and they have not supported the case of the prosecution. Ku. Lili Pushpa Panna (PW9), teacher of the school has also stated that she has no knowledge about the incident. Only Shaheennaz (PW8) has stated that when she had gone to the house of Ku. Rinki (PW3) to inquire about the incident, Ku. Rinki narrated the incident to her, however, Ku. Rinki (PW3) herself has not stated anything in her Court statement about the incident, so, the statement of Shaheennaz (PW8) is of no help for the prosecution.
5. Based on above evidence, the trial Court has properly appreciated the case and passed the impugned judgment which as per the opinion of this Court is just and proper and does not call for any interference.

6. Accordingly, this Court does not find any substance in this petition to grant special leave to appeal. The CRMP is liable to be and is hereby dismissed.

Sd/-
(Deepak Kumar Tiwari)
Judge