

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 962 of 2020

1. Shrawan Sharma S/o Shri Madan Sharma, Aged About 27 Years, R/o Village Lachkera, Police Station Fingeshwar, District Gariyaband (C.G.).

---- Appellant

Versus

1. State Of Chhattisgarh, Through Station House Officer, Police Station Fingeshwar, District Gariyaband (C.G.).

---- Respondent

For Appellant	:	Mr. Jitendra Shukla, Advocate with Mr. Sumti Rathore, Advocate.
For Respondent/State	:	Dr. (Ms.) Veena Nair, Dy. Advocate General.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

11/02/2021

- 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 31/08/2019 passed by the Special Judge (Atrocities) Raipur, District Raipur (C.G.), refusing to allow his regular bail under Section 439 Cr.P.C. The appellant is in jail in connection with Crime No. 12/2020 for the offence punishable under Sections 363, 366/34 of IPC and under Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and registered at Police Station Fingeshwar, District Gariyaband (C.G.).
- 2) Learned counsel for the appellant submits that he does not want to prosecute this appeal and seeks to withdraw the same with liberty to file appropriate application before the appropriate Bench. Further he prays for return of certified copy of the impugned order.

- 3) Counsel for the State has no objection to the above prayer.
- 4) Prosecutrix alongwith her father Nammu Ram Satnami is present in person and raised objection to release of the appellant on bail.
- 5) As per impugned order, the prosecutrix is aged about 14-15 years and that charge sheet has been filed for the offence punishable under POCSO Act, therefore, this Court has no jurisdiction to hear this matter.
- 6) Accordingly, the Criminal Appeal is **dismissed** as **withdrawn** with aforesaid liberty.
- 7) Registry is directed to return certified copy of the impugned order to the Counsel for the appellant on his furnishing true authenticated xerox of the same.

-Sd/-
(Gautam Chourdiya)
Judge

Chandrakant