

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRA No. 85 of 2021

- Nitish Kumar, S/o Vijay Sao, Aged About 23 Years, R/o Hariharpur Police Station Ramchandarpur, District- Balrampur-Ramanujganj (C.G.) **---- Appellant**

Versus

1. State Of Chhattisgarh, Through: Station House Officer, Police Station- Ajak Balrampur, District- Balrampur-Ramanujganj (C.G.).

(Details of Respondent No.2 are concealed as per order of the Court.) **---- Respondent**

For Appellant : Shri Trivendi Shankar Sahu, Advocate,
on behalf of Shri Awadh Tripathi, Advocate

For Respondent : Dr. (Ms.) Veena Nair, Dy.A.G.
No.1/State

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

05.02.2021

- 1) The appellant has preferred this appeal under Section 14 (A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as the appellant was arrested on 24.08.2020 in connection with Crime No.42/2020 for offence under Section 376 (2) (n) of IPC and Section 4, 6 of POCSO Act and 3 (2) (V) of SC/ST Act registered at Police Station- Ajak Balrampur, District- Balrampur-Ramanujganj (C.G.).
- 2) At the outset, learned counsel appearing for the appellant seeks to withdraw this appeal with liberty to file appropriate application before appropriate Bench as and when occasion arises.

- 3) Counsel for the State has no objection to the above prayer.
- 4) Permission granted.
- 5) Accordingly, the appeal is dismissed as withdrawn with the liberty as stated above.
- 6) Before parting with the case, it is necessary to direct the Registry to be careful while dealing the matters relating to sexual assault and ensure that identity of the victim or prosecutrix is nowhere disclosed in the petition/appeal in view of the clear restriction under Section 228 A of the IPC as well as various judicial pronouncements of the Hon'ble Supreme Court in this regard.

Sd/-

(Gautam Chourdiya)
Judge

Nadim