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2026:CGHC:10143

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRMP No. 366 of 2026

1 - State Of Chhattisgarh Through Police Station, Duldula, District Jashpur C.G.

... Petitioner

versus

1 - Prasil Kujur S/o Praful Kujur, Aged About 19 Years R/o Village Patratoli, Police Station Duldula, District Jashpur C.G.

2 - Avtar Singh, S/o Devendra Singh, Aged About 33 Years R/o Ichkela, Chowki Aara, Police Station Jashpur, District Jashpur C.G.

... Respondent(s)

For Petitioner/State : Mr. Ghanshyam Kashyap, Dy. G.A.

For Respondent(s) : None

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

26/02/2026

1. Heard on I.A. No.01/2026, which is an application for condonation of delay in filing the acquittal appeal.
2. On due consideration and for the reasons mentioned in the

application, same is allowed and the delay of 26 days in filling the acquittal appeal is condoned.

3. Also heard on application under Section 419(3) of Bhartiya Nagrik Suraksha Sahinta, 2023, which is the application for grant of leave to acquittal appeal.
4. Learned counsel for the petitioner/State would submits that learned trial Court has acquitted the respondent No.1/accused namely Prasil Kujur from the offences under Sections 363, 366, 354, 354A of IPC, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and respondent No.2/accused namely Avtar Singh from the offences under Sections 363, 366, 354, 354A of IPC, Section 12 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(5), 3(2)(1)B(i) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 holding that the prosecution has failed to prove its case beyond reasonable doubt and he would further submits that the victim has duly supported the case of prosecution, she was being taken by the respondents/accused persons on their motorcycle and kept her away from lawful guardianship. Injuries have been found over the body of the victim, but learned trial Court on the ground that the report has been lodged after about 3 days and there is no plausible explanation for delayed lodging the

FIR, the age of the injury has not been explained by the prosecution and the *mens rea* to outrage the modesty of the victim has not been reflected from the evidence of the victim/PW-2 and has acquitted the respondents/accused persons, whereas, there is sufficient and overwhelming evidence against the respondents/accused persons in the case. From perusal of the evidence of the PW-2/victim as well as medical evidence and evidence of other witnesses, this Court is of the opinion that there is sufficient *prima facie* material to grant leave to file acquittal appeal to the appellant.

5. On due consideration, application filed under Section 419(3) of Bhartiya Nagrik Suraksha Sahinta, 2023 is allowed. Leave to file Acquittal Appeal is granted to the appellant/State.
6. Registry is directed to register the case as regular Acquittal Appeal.
7. The CrMP stands disposed of.
8. After registration of the case as Acquittal Appeal, list the case in the next week.

Sd/-
(Ravindra Kumar Agrawal)
JUDGE