

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

CRMP No. 665 of 2024

- Vikash Kumar Singh, Shri Alakh Niranjana Singh Rajput, Aged About 51 Years, R/o Qr. No.B-1/13, Shahid Bhagat Singh Colony, SECL, Korba, District Korba (C.G.).

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through The Principal Secretary Department Of Home, Mahanadi Bhawan, Nawa Raipur, Raipur (C.G.).
2. The Station House Officer, Police Station Dipka, Korba (C.G.).
3. Babita Neelam Das, W/o Mustakh Khan, R/o B-182, Shakti Nagar Gevra, Korba District Korba (C.G.).

---- Respondent

20.03.2024	Mr. S.C. Verma, learned Senior counsel along with Mr. Vikram Sharma, learned counsel for the petitioner. Dr. Saurabh Pande, Deputy A.G. for the State/respondents No.1 & 2. Heard. Issue notice to the respondents on the main petition, by ordinary as well as by registered post. Learned counsel for the State accepts notice on behalf of respondents No.1 & 2, therefore, issuance of notice to respondents No.1 & 2/State, is dispensed with. P.F. be paid within a week, only for respondent No.3. Also heard on I.A. No1/2024, application for grant of ad-interim bail. Learned Senior counsel would submit that on the report of respondent No.3, a case for the offence punishable under Section 376, 506 Part II, and 384/34 of Indian Penal Code, 1860 (for short 'IPC') read with Section 3(1)(11) and Section 3(2)(5) of Scheduled Case and Scheduled

Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as 'the Act of 1989') was registered against the petitioner, in which he has been acquitted by the trial Court vide judgment dated 17.11.2011 (Annexure-P/5), and thereafter again false report bearing Crime No.75/2020 has been lodged by respondent No.3, pursuant to that charge sheet under Section 354(A) (1) (II), 354 (D), 506, 509(B) of IPC and Section 3(1) (B) (II) and 3(2) (V) (A) of the Act of 1989 in Special Case (SC/ST) No.9/2023 has been filed against the petitioner. It is further submitted that on false statement made by victim/prosecutrix/respondent No.3 pursuant to criminal case in respect of Annexure-P/5, she has been prosecuted and convicted also for making false statement. Although, she has been acquitted by the learned 1st Additional Sessions Judge Korba, District Korba (C.G.) that to granting benefit of doubt to her. Hence, considering the aforesaid conduct of respondent No.3 further proceeding of Special Case (SC/ST) No.9/2023 may be stayed till disposal of I.A. No.1/2024.

Issue notice on this application also, as above.

Meanwhile, purely as an interim measure, it is directed that further proceeding of the Special Case (SC/ST) No.9/2023, pending before the Special Judge (SC/ST Act) Korba (C.G.) shall remain stayed till the next date of hearing.

Learned counsel for the State is directed to file reply on I.A. No.1/2024, application for grant of stay.

In the meantime, State is directed to call for the case diary.

Sd/-
(Naresh Kumar Chandravanshi)
 Judge