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MCRC-15202-2016

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE B. P. SHARMA

ON THE 2nd OF FEBRUARY, 2026MISC. CRIMINAL CASE No. 15202 of 2016*THE STATE OF MADHYA PRADESH**Versus**BABLU @ ANIL GUPTA*

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Appearance:

Shri Dinesh Patel - GA for petitioner/State.

None for respondent.

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ORDER

Heard on IA No. 16706/16, an application for condonation of delay in filing the petition. There is delay of 26 days.

2. It is submitted that Public Prosecutor send a proposal to the District Magistrate on 29-06-2016 and the same has been send to the Department of Law and Legislative Affairs, Bhopal on 11-07-2016 and the same has been received on 20-07-2016 and the same has been received by the O/o Advocate General on 3-08-2016 and therefore, delay occurred in filing the petition.

3. For the reasons stated in application, same is allowed. Delay in filing the petition is hereby condoned.

4. Being aggrieved by the judgment of acquittal dated dt.30/4/2016 passed by the learned Special Judge under SC & ST (Prevention of Atrocities) Act Sidhi in Special Case No.08/ 2011, thereby acquitting respondents for the offences punishable u/s 354 IPC &. Sec.3(1-Eleven) of SC/ST (Prevention of Atrocities) Act, Hence, this leave to appeal is filed by the petitioner/State.

5. Heard the learned counsel for the petitioner and perused the record.



6. Perusal of the report reflects that victim statement is not even slightly acceptable to reach the conclusion in question. The victim herself admitted that she become angry with the accused when he refused to return the saree, she had purchased from accused shop. This statement clearly shows that she is angry with the accused. Therefore, she decided to lodge FIR against the accused when the accused refused to return the saree. She has lodged the FIR after three days and no plausible reason has been assigned for the delayed FIR. After a delay of three days, she deliberately lodged fabricated complaint against the accused person. Delay in lodging the FIR is fatal for the prosecution. None of the witnesses have supported the prosecution case. In the light of admission of the prosecutrix, conduct and behaviour of the prosecutrix is not fair and is doubtful.

7. On perusal of the entire record and evidence adduced by the prosecution, the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. The trial Court has rightly acquitted the accused for the offence punishable under Sections 354 IPC & Sec.3(1-Eleven) of SC/ST (Prevention of Atrocities) Act.

8. Accordingly, the leave to appeal filed by the State is hereby dismissed. Instant M.Cr.C is **dismissed**.

(B. P. SHARMA)
JUDGE