

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQUITTAL APPEAL NO. 224 OF 2015

Ranjita Ekka, Wd/o Late Shri Santosh Ekka, aged about 26 years, occupation- Service (Assistant Sub Inspector), R/o Police Line, Baikunthpur, Police Station- Baikunthpur, Distt. Korea (C.G.)

... Appellant

Versus

1. Sunil Kumar, S/o Late Shri Rajkumar Singh, aged about 24 years, occupation- Vehicle Driver, R/o Village- Rajnagar, Ward No.4, Police Station- Ramnagar, Distt. Anuppur (M.P.)

2. State of Chhattisgarh, through Police Station- Baikunthpur, Distt. Korea (C.G.)

... Respondents

For Appellant	:	Mr. R.R. Soni, Advocate.
For Respondent-State	:	Mr. U.K.S. Chandel, Dy. Govt. Advocate.

Hon'ble Shri Navin Sinha, Chief Justice

Hon'ble Shri Justice P. Sam Koshy

Judgment on Board

Per NAVIN SINHA, C.J.

27/11/2015

1. The present appeal assails acquittal of Respondent No.1, dated 14.9.2015 in Special Sessions Case No. 02 of 2015 by the Special Judge [Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989] from the charge under Sections 376, 294, 506, 420 IPC and Section 3(1)(12) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned Counsel for the Appellant submits that she belonged to the Scheduled Tribe. Respondent No.1 had taken advantage of her social status to exploit her. Physical relations were established by him forcibly under threat of injury not only to her but to her minor daughter also. In matters of sexual offences, the statement of the prosecutrix was sufficient evidence as no woman would make false allegations with

regard to violation of her own chastity affecting her own reputation. The acquittal was therefore not justified.

3. We have heard Learned Counsel for the State also.

4. The prosecutrix was a married woman with a minor child, whose husband had expired. Respondent No.1 was her chauffeur. We are surprised that despite being in the police force, the Appellant was blissfully ignorant of the law in general and her legal rights if what she alleges was true for having invoked the same in accordance with law in due time. According to her own case, the physical relationship between the parties persisted for a considerably long period of time for over one year. Even if Respondent No.1 would run away with her minor daughter, according to her he would come back in the evening every day. Exhibit D-14 produced by the defence in proof of the nature of relationship between the parties with photographs taken voluntarily have been admitted by the Appellant. The Trial Judge has adequately discussed from paragraph 13 of the Appellant's evidence that she acknowledged physical relations were established with her consent during the period in question from August, 2013 to November, 2014 and that during the period, she was also attending the office regularly but complained to none.

5. The order of acquittal is well reasoned and discussed calling for no interference. The allegation with regard to Respondent No.1 having fraudulently got the Appellant's vehicle transferred in his name has been disbelieved by the Trial Judge as the Appellant had not led any evidence that the vehicle was registered in her name. There was no evidence on record led by the Appellant in proof of the fact that

Respondent No.1 had specifically taken advantage of her because of her Scheduled Tribe status.

6. In the entirety, we find no reason to interfere with the acquittal.

7. The acquittal appeal is dismissed.

Sd/-
(Navin Sinha)
Chief Justice

Sd/-
(P. Sam Koshy)
Judge