

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 810 of 2016**

Smt. Girja Bai Manikpuri W/o Santosh Das Manikpuri Aged About 26 Years
R/o Sandi Mudpar, Police Station - Palari, District - Balodabazar - Bhatapara
Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Station House Officer, Police Station - Palari, District - Baloda Bazar - Bhatapara Chhattisgarh
2. Rupendra Manikpuri S/o Shiv Bhagat Aged About 48 Years R/o Village - Sandi, Police Station - Palari, District - Baloda Bazar - Bhatapara Chhattisgarh

-----Respondents

For Petitioner:	Shri HS Ahluwalia, Advocate.
For Respondent No.1/State:	Shri Rajendra Tripathi, Panel Lawyer.
For Respondent No.2:	None.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

2.8.2016

1. The present Cr.M.P has been filed seeking leave to appeal against the judgment of acquittal dated 20.6.2016 passed in Complaint Case No.S-1225/2014.

2. Brief facts relevant for adjudication of the present Cr.M.P are that the Petitioner/Complainant had filed a complaint case against Respondent No.2 alleging that prior to one month from 22.6.2011 till 3.4.2012, the Complainant/Petitioner and her husband Santosh Das were illegally confined by Respondent No.2 conspiring and provoking the Petitioner/Complainant to lodge FIR against one Basant Yadu for the offence punishable under Section 376 IPC.

3. According to the Complainant/Petitioner, because of the illegal confinement, pressure and intimidation given by Respondent No.2, she was compelled to lodge FIR against the said Basant Yadu for the offence punishable under Section 376 IPC at P.S. Palari, Baloda Bazar on the basis of which, FIR was lodged and the said Basant Yadu was prosecuted for the said offence. Subsequently, now the Petitioner/Complainant had filed a complaint case against Respondent No.2 alleging that the case against the said Basant Yadu was a false one made to be lodged by her at the behest of Respondent No.2, who had put her and her husband in illegal confinement, pressure and intimidation of their life. Initially, a complaint was lodged against Respondent No.2 and his wife but the Trial Court discharged the wife at the initial stage and registered offence against Respondent No.2 for the offence punishable under Sections 347 and 506 Part-1 IPC.

4. After the evidence was recorded, the Trial Court i.e. the JMFC, Baloda Bazar vide its order dated 20.6.2016 found that the Complainant has not been able to produce sufficient evidence by which the offence under Sections 347 and 506 Part-1 could be established against the Respondent/accused. After reaching to the conclusion, the Court below specifically took into consideration the fact that on the said complaint of the Petitioner/Complainant, Basant Yadu was prosecuted and he has also been convicted. Further finding was that there was sufficient time and the conditions also were not as such where the Complainant could not have raised an alarm or could have informed to outside persons about the alleged illegal confinement, pressure and intimidation given by Respondent No.2. Another aspect which the Court below found was that it was not a case where they had been confined to the four corners of a room but they were living freely except for the allegation of being constantly under the watch of

Respondent No.2 or his personnels.

5. Thus for all these reasons, the Court below found that the Complainant has not been able to establish the charge under Sections 347 and 506 Part-1 IPC against Respondent No.2 beyond reasonable doubt and thus acquitted themhim

6. Learned Counsel for the Petitioner, during the course of arguments also was not able to pin point any particular piece of evidence by which it could be established that the alleged act on the part of Respondent No.2 would fall within the definition of Sections 347 and 506 Part-1 IPC. In the absence of any cogent evidence and sufficient material by which it could be said that the Complainant had produced ample evidence before the Court below, neither does from the evidence of the Complainant reveal of the necessary ingredients to make out a case under Section 347 and 506 Part-1 IPC and this Court does not find any good and strong reasons to interfere with the judgment of acquittal passed by the JMFC, Baloda Bazar in Complaint Case No.S-1225/2014 dated 20.6.2014.

7. The instant Cr.M.P, thus being devoid of merits, the same is accordingly rejected. Consequently, leave to appeal also stands rejected.

Sd/-
(P. Sam Koshy)
JUDGE