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HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No. 447 of 2005

Ratri Bai W/o. Tilak Das, Aged about 30 years, Resident of Bundeli Arhbhar.

---- Applicant

Versus

1. State of Chhattisgarh, Through Station House Officer, Police Station Kharsiya, District Raigarh (C.G.)
2. Jivan Das S/o. Dileshwar, Aged 30 years, Occupation Cultivation, R/o. Sarwani, P.S. Kotra Road, Raigarh District Raigarh (C.G.)
3. Palu Ram S/o. Chandan Singh, Aged about 45 years, Occupation Cultivation R/o. Latayipali, P.S. Kotra Raod, District Raigarh (C.G.)

---- Respondents

For the Applicant : Mr. Vivek Tripathi, Advocate

For the Respondents : Ms. M. Asha, Panel Lawyer

Hon'ble Smt. Justice Vimla Singh Kapoor

Judgment on Board

01.10.2018

1. This revision petition has been filed against the judgment dated 29.08.2005 passed by the Judicial Magistrate, First Class, Raigarh in Criminal Case No. 517 of 2002, acquitting the applicants of the charges under Sections 506 (A), 354 and 457 IPC.

2. Case of the prosecution, in brief, is that on the date of incident when complainant Ratri Bai (PW-2) was sleeping in her house, accused Jeevan Das gained an entry thereto and tried to outrage her modesty and while doing so he even tore the blouse worn by her and also tried to uplift her petticoat. Prosecution case further states that when her daughter woke-up, accused Jeevan Lal ran away. On the next day, both the accused persons are also stated to have threatened her of life in case she thought of reporting the matter to the police.

3. Learned counsel for the applicant/complainant submits that the trial court has taken an erroneous view and ignored the evidence on record while arriving at the conclusion of holding the accused/applicants innocent and therefore, the order impugned is liable to be set aside.

4. Learned State counsel, however, assisted the Court.

5. Heard learned counsel for the parties and perused the material on record.

6. Evidence of the witnesses including that of the complainant (PW-2) contained various contradictions and omissions on material particulars to make it worthy of placing any credence thereon. Even, the report was filed only against accused Jeevan Lal which has even been approved by PW-4 - a police constable who in paragraph no. 2 of his deposition has categorically stated that the report was not lodged against

accused Palu. More over, the incident is said to have taken place in the presence of children of the complainant, four-in-number who were sleeping nearby but it is surprising that they did not make any attempt to raise any hue and cry. This in-fact, appears to be a highly improbable story and none of the witnesses stood by the same.

7. In view of the evidence referred to above, this Court of the opinion that the prosecution has not proved its case beyond reasonable doubt and being so the court below has also been justified in acquitting the respondent/accused of the charges levelled against them. There is no illegality or infirmity apparent in the judgment impugned and accordingly it is hereby maintained.

8. Revision is thus dismissed.

Sd/-
(Vimla Singh Kapoor)
JUDGE

Jyotishi