

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 171 of 2018**

- State of Chhattisgarh Through the In-charge Police Station Chuikhadan (Presently Salhewara) District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

- Chandrakumar Lodhi S/o Alakhram Lodhi Aged About 22 Years R/o Village Vicharpur, Police Station Salhewara, District Rajnandgaon Chhattisgarh

---- Respondent

For Petitioner : Shri S.K. Mishra, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****09/04/2018**

1. Heard on application for leave to appeal under Section 378 of Cr.P.C.
2. This petition is against the order dated 23.10.2017, whereby the respondent has been acquitted under Sections 363 & 366 A of the I.P.C.
3. As per the prosecution case, it was alleged that on 13.11.2002 the appellant enticed away the minor girl from the lawful guardianship of his father from village Vicharpur just to compel her for sexual exploitation, for which a report was made by the father of the victim on 15.11.2002 and the date of birth register was also seized. Since after the investigation, the charge-sheet was filed, subsequently in the absence of accused/respondent warrant was issued.
4. Perusal of the order would show that on behalf of prosecution statements of Kunti Bai (PW-2) and Alakhram (PW-1), mother and father of the accused,

have been recorded and the witnesses did not support the case and were declared hostile and no happening of the incident has been stated. The complainant Man Singh was reported to be dead. On behalf of the prosecution against the accused neither the statement of the complainant nor the victim has been recorded and only the statements of two witnesses i.e. the mother and father of the accused were recorded. No evidence of the witness is on record. Therefore, in this case the acquittal order passed on 23.10.2017 cannot be said to be illegal as no evidence of forceful custody is before the Court.

5. Accordingly, there is no merit in the application for leave to appeal. The same is dismissed.

Sd/-

Goutam Bhaduri

Judge

Ashu