

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 231 of 2016**

Bhagguram Verma S/o Hariram Verma Aged About 54 Years
Caste Lodhi, Occupation Teacher, R/o Village Hardi Teka,
District Rajnandgaon, Chhattisgarh., Chhattisgarh

--- **Petitioner**

Versus

Bhupendra Dewangan S/o Late Vishal Dewangan Aged About
24 Years R/o Shankarpur, Ward No. 7, House Of Makhan
Kasyap, Police Station O.P. Chikhili, District Rajnandgaon,
Chhattisgarh., Chhattisgarh

--- **Respondent**

For the applicant	:	Mr. Basant Dewangan, Advocate
For the Respondent	:	Mr. Varunendra Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.02.2018

1. Heard.
2. The instant petition has been filed against the order dated 31.10.2015 passed in Special S.T. Case No. 79 of 2014 by the Fast Track Court of Additional Sessions Judge cum Special Judge (POCSO Act, 2012), Rajnandgaon, whereby the respondent has been acquitted of the charges under Section 363 & 366-A of IPC.
3. As per the prosecution case, the allegation is that on 04.09.2014 the respondent allured the minor daughter of the petitioner Bhagguram Verma and took her away from the lawful custody of the parents and thereafter on the pretext of marriage forcibly committed sexual intercourse. After the report was made, the charge sheet was filed and the court below after evaluating the entire evidence, acquitted the accused.

4. Learned counsel for the petitioner would submit that the acquittal is bad in law and the court below has failed to see the evidence on record as there was sufficient evidence available to convict the accused and despite that the respondent has been acquitted, therefore, the leave to appeal may be allowed.
5. Per contra, Learned counsel for the respondent opposes the said argument and submits that the order of acquittal is well merited which do not call for any interference.
6. Perused the records. Admittedly, the prosecutrix is daughter of P.W.4 Bhaggu Ram Verma who is petitioner herein. The victim prosecutrix was examined as defence witness (D.W.1) and she stated that her date of birth was 25.09.1995 and she of her own has performed the marriage with the respondent and thereafter she is living with him and no force was exerted by him before or after the marriage. A perusal of the record would show that P.W.4 Bhaggu Ram Verma and his brother Dataram Verma (P.W.2) have only orally stated that on the date of incident i.e., 04.09.2014 the prosecutrix was minor. As against this, the defence has produced the Birth Certificate Ex.D-2 wherein the Date of Birth was shown as 25.09.1995 and except the oral statement of the father of girl Bhagguram that her date of birth was 23.09.1996, nothing is on record to show that she was minor on the date. Therefore, the Court while appreciating the evidence relied on document Ex.D-2.
7. On perusal of the statement of the alleged victim who has been examined as D.W.1 it appears that she has categorically stated she has performed marriage with the

respondent and nothing has come on record to show that she was minor on the date of incident. Considering the same no re-appreciation of evidence is required by this Court and the finding arrived at by the court below do not appear to be perverse which requires any interference. Consequently, the petition has no merit and is dismissed. Accordingly, leave to appeal is rejected. Consequently Cr.M.P., as also the acquittal appeal stand dismissed.

**Sd/-
GOUTAM BHADURI
JUDGE**