

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 464 of 2018

State Of Chhattisgarh Through Police Station Hasod, District Janjgir
Champa, Chhattisgarh.

---- Petitioner

Versus

Chaitram Nirala S/o Shri Chhabilal Aged About 25 Years R/o
Barekelkhurd, Police Station Hasod, District Janjgir Champa,
Chhattisgarh.

---Respondent

For State/petitioner-Smt. Madhunisha Singh, PL

Hon'ble Shri Justice Goutam Bhaduri

Order

25/06/2018

Heard.

1. Instant leave to appeal is against the acquittal order dated 6th November, 2017 passed in Special Criminal Case No. 06/2017 by the First Additional Sessions Judge, Sakti, District Janjgir-Champa.
2. Case of the prosecution was that on 1/02/2017 the prosecutrix who was working as labour in the construction of road, when she went to wash her hands, at that time the applicant came there and stated that he will marry her and thereafter caught hold of her hands and tried to drag her. Having resisted threat was extended that if she does not go alongwith him she would be killed. Thereafter, report was made by the prosecutrix for offence under section 354(1)(2), 506 of IPC and section 8 of the POCSO Act was registered by Ex.P-3. Trial court after evaluating the evidence acquitted the accused and hence this leave to appeal.
3. Learned State counsel would submit that order of the court below is perverse as evidence has not been considered in proper perspective. It is further contended that statement of the prosecutrix would show that guilt was proved beyond reasonable doubt. Consequently, acquittal needs to

be interfered.

4. Perused the record and statement of the prosecutrix. She has been examined as PW-3. Perusal of the statement of the prosecutrix would show that she has completely disowned the incident and not supported the case of the prosecution. When she was declared hostile leading question was put to her but she maintained her stand that allegation which has been reported was wrong. It is been stated in the cross examination that when police official came to her then her signature was obtained and no offence was committed by the accused. PW-4 who was also eye witness has not supported the case of the prosecution. In the cross examination she has also not supported the fact and PW-1 mother of the prosecutrix has also turned hostile. Perused the statement of the prosecutrix and the relevant witnesses. After going through the statement, I do not find any statement needs any reconsideration and re-appreciation of evidence as witnesses have categorically stated that no offence was committed. Taking into face value and statement, I do not find any reason to reconsider the case on merits as also no plausible reasons have been explained to condone the delay of 10 days. Petition has no merit, leave to appeal is dismissed.

5. Consequently, CRMP stands dismissed.

Sd/-

(Goutam Bhaduri)

JUDGE