

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 466 of 2018**

State of Chhattisgarh, Through Station House Officer, Gendatola,
District- Rajnandgaon (C.G.)

---- Petitioner**Versus**

Chetan Dewangan, S/o Dasru Ram Dewangan, Aged About 27
Years, R/o Village Sitakasa, Police Station Gendatola, District
Rajnandgaon (C.G.)

---- Respondent

For State/ Petitioner : Mr. Suryakant Mishra, Panel Lawyer.
For Respondent : Mr. Aditya Bhardwaj, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order On Board****11/09/2018**

1. Heard on I.A. No. 01/2018, application for condonation of delay in filing the petition which is supported with an affidavit of Yogesh Kumar Sahu.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 9 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 16.11.2017 passed by Additional Sessions Judge (FTC) Rajnandgaon (C.G.) in Sessions Trial No. 11/2017, wherein the said court acquitted the respondent for commission of offence under

Section 363 & 366 of IPC for enticing minor prosecutrix and kidnapping her to compel marry with him on 16.07.2010 from village-Sitakasa, police station- Gendatola, District- Rajnandgaon (C.G.)

5. To substantiate the charge, the prosecution examined as many as 14 witnesses. The prosecutrix (PW-5) did not support the version of the prosecution. As per version of prosecutrix, she accompanied with one Suraj Sharma and married with him. She did not narrate anything against the present respondent regarding enticing her or compelling her for marriage. From version of prosecutrix, there is nothing on record against the respondent. Bhagwati Sahu (PW-1) deposed that she had seen the respondent and the prosecutrix in Surat, but from version of the prosecutrix also, she traveled to Surat for her livelihood. If both traveled to the same place for their livelihood, there is nothing like enticing or compelling the prosecutrix.
6. Binjhar Sahu (PW2) deposed that the respondent informed him that the prosecutrix has left with one Suraj. From version of this witness, there is nothing incriminating against the present respondent. Chanda Bai (PW-3) is mother of prosecutrix and as per version of this witness, she is not aware as to with whom the prosecutrix left the native place. Goverdhan Bhaisa (PW-4), Tribhuvan Sahu (PW-7) have also not stated anything regarding commission of offence by the respondent. As per version of Malik Ram, Police Constable

(PW-9), he recovered the prosecutrix from Sathiyara, Malhatoli, Bihar, but from version of this witness, there is nothing incriminating against the present respondent. Other witnesses are related to their assistance during investigation after registration of FIR.

7. On overall assessment of the evidence, the trial court opined that the offence is not proved in absence of evidence. Looking to the entire evidence, this Court has no reason to substitute any contrary finding. It is not a fit case where respondent should be called for hearing again. Accordingly, application for grant of leave to appeal is rejected.
8. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge