

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

Criminal Revision No.699 of 2018

Md. Kausar Ansari, aged about 22 years, S/o Kamruddin, R/o Village Mahavirganj, Police Check Post Vijay Nagar, Police Station Ramanujganj, District Balrampur, Chhattisgarh

---- Applicant

versus

State of Chhattisgarh through Police Station Ramanujganj, District Balrampur, Chhattisgarh

--- Respondent

For Applicant	:	Shri K.M. Ansari, Advocate
For Respondent	:	Shri Sangharsh Pandey, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

14.11.2018

1. Heard on admission.
2. This revision has been preferred against the order dated 22.11.2017, whereby the Additional Sessions Judge/Special Judge under the Prevention of Children from Sexual Offences Act (henceforth 'the POCSO Act), Ramanujganj has framed charges against the Applicant under Sections 363, 366, 376(2)(ढ), 506 of the Indian Penal Code and Sections 5(ढ)/6 of the POCSO Act.
3. Facts of the case are that on 16.9.2017, Manoj Singh, father of the prosecutrix made a report of missing of the prosecutrix, aged about 12 years, wherein it is stated that the prosecutrix was missing since 15.9.2017. Initially, offence under Section 363 of the Indian Penal Code was registered. Later on, after recovery of the

prosecutrix, her statement under Section 161 of the Code of Criminal Procedure was recorded and after investigation, a charge-sheet was filed and charges were framed against the Applicant as mentioned in the second paragraph of this order.

4. Learned Counsel appearing for the Applicant submits that there is nothing on record on the basis of which any of the offence could be made out against the Applicant. He further submits that the Trial Court, without appreciating the evidence available on record, has framed the charges against the Applicant and, therefore, the same deserve to be quashed.
5. Learned Counsel appearing for the State/Respondent supports the impugned order and submits that there is sufficient evidence on record on the basis of which the Trial Court has rightly framed the charges.
6. I have heard Learned Counsel appearing for the parties and perused the material available with due care.
7. From the evidence available, it is clear that the prosecutrix is a minor girl. In her statement recorded under Section 161 of the Code of Criminal Procedure, she has categorically stated that the present Applicant/accused forcibly lifted her up and took her towards the jungle and there he committed forcible sexual intercourse with her. He also threatened her of life. Thus, it is clear that there is sufficient evidence available on record on the basis of which, *prima facie*, charges under Sections 363, 366, 376(2)(a), 506 of the Indian Penal Code and Sections 5(a)/6 of the

POCSO Act are made out against the Applicant. Therefore, the Trial Court has rightly framed the charges against the Applicant. I find no infirmity in the impugned order.

8. Resultantly, the instant revision is dismissed at the stage of admission itself.

Sd/-

(Arvind Singh Chandel)
Judge