

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 874 of 2019

State of Chhattisgarh, Through - The Incharge, Police Station
Navagarh, District – Junjgir-Champa (C.G.)

---- **Petitioner**

Versus

1. Ravi Singh @ Rinku Singh @ Ravi Shankar, S/o - Jwala Singh Thakur, Aged about - 21 years, R/o - Near Mission Hospital Champa, Police Station Champa, District - Janjgir - Champa (C.G.)
2. Pralay Pradhan, S/o - Radheshyam Pradhan, Aged about - 23 years, R/o - Beldar Para, Police Station Champa, District - Janjgir Champa (C.G.)

---- **Respondents**

For State/ Petitioner : Mr. Ravish Verma, Govt. Advocate
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

13/05/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing of instant petition.
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 198 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 31st May, 2018, passed by Upper Sessions Judge (FTC), District – Janjgir-Champa (C.G.) in Sessions Trial No. 175/2014 wherein the said court acquitted the respondents for charge under Sections 363 & 366 of the IPC, 1860 for kidnapping minor prosecutrix (PW-1) on 19th November, 2012 with intent to compel her to marry or in order to force or seduced to illicit intercourse.
5. In the present case, prosecutrix (PW-1) herself deposed that her age is 22 years and her date of birth is 12th March, 1993. Her school certificate submitted by prosecution before the trial Court to show that date of birth is 12th March, 1993. In the present case, the date of incident is 19th November, 2012 and on that day, the prosecutrix was major being more than 18 years of age. Looking to majority of the prosecutrix, the trial Court opined that it is not a case of kidnapping from unlawful guardianship.
6. The prosecutrix deposed before the trial Court that the respondents did not act against her. The trial Court evaluated the entire evidence and recorded finding that there is nothing to establish that prosecutrix was kidnapped with intent to compel her or to marry with any person or compel for illicit intercourse.
7. It is contended on behalf of the respondents that it may be a case of abduction. The fact remains that no charge is framed against the respondent for abduction. No application was filed

before the trial Court for alteration of charge. The trial Court is acquitted and now it would not be proper for this Court to remand the case for alteration of the charge. From the record, it appears that the trial concluded after about 5 years of the charge-sheet and both the respondents have suffered jail term for about 5 years.

8. The trial court has elaborately discussed the entire evidence and came to conclusion that the charge leveled against the respondents is not established. After reassessing the entire evidence, this Court has no reason to record contrary finding. It is not a case where respondents should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge