

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1024 of 2019**

State of Chhattisgarh, Through: Station House Officer, Police
Station - Gourela, District- Bilaspur (C.G.) **---- Petitioner**

Versus

Rajesh Koal, S/o- Manohar Koal, Aged about - 40 Years, R/o -
Village - Chapratola, Tendumuda, Police Station - Gaurela,
District- Bilaspur, (C.G.) **---- Respondent**

For State/Petitioner : Shri V.B. Singh, Panel Lawyer.

For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

26/06/2019

1. Heard on I.A. No. 01/2019, application for condonation of delay in filing the 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 163 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 the judgment dated 12th June, 2018 passed by Special Additional Sessions Judge, Pendra Road, District – Bilaspur (C.G.) in Special Sessions Trial No. 04/2018 for offence under Sections 456, 506 (Part-II), 354 (A) and 354 (B) of IPC, 1860 and Sections 7 and 8 of the Protection of Children from Sexual Offences Act, 2012 (for short “the POCSO Act”) wherein the said Court acquitted the respondent for said charges.
5. As per version of the prosecution witnesses, on the date of incident, one ceremony on engagement was organized in house of the

respondent in which mother of the prosecutrix (PW-8) admitted that she stayed in house of the respondent on the date of incident. The respondent was known to the prosecutrix and her family.

6. Meena Bai (PW-8) is mother of the prosecutrix and as per version of this witness, the prosecutrix informed her that the respondent committed bad work against her, but prosecutrix has not stated before the trial Court that the respondent committed bad work against her. The prosecutrix admitted that earlier there was conversation between mother of the prosecutrix and the respondent regarding marriage of prosecutrix with younger son of the respondent, but the respondent side did not accept the proposal. Looking to the contradictory statement of prosecutrix and her mother, the trial Court opined that version of the prosecutrix is not of sterling quality and it is not safe to act on the statement of the prosecutrix.
7. Finding recorded by the trial Court is one of the plausible view which can be formulated looking to the evidence. It is settled law that if two views are possible, the view which is favourable to the respondent/accused, should be accepted, therefore, it is not a case where respondent should be called for hearing again for full consideration of this petition. 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