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HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.1660 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Kotwali, District Raigarh, Chhattisgarh.

---- **Petitioner****Versus**

1. Irfan Ali @ Balla S/o Meer Irshad Ali, Aged About 36 Years R/o Ward No. 4, Naya Jagatpur, Dheemrapur, Raigarh, District Raigarh Chhattisgarh.
2. Meer Irshad Ali @ Bade S/o Meer Gulam Ali Aged About 70 Years R/o Ward No. 4, Naya Jagatpur, Dheemrapur, Raigarh, District Raigarh Chhattisgarh.

---- **Respondents**

 For the petitioner/State : Shri Ishwar Jaiswal, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****17.12.2019**

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This petition has been preferred against judgment of acquittal dated 06.4.2019 passed by Incharge Additional Sessions Judge (FTC), Raigarh in the Special Criminal Case under the POCSO Act 15/2017, wherein the said Court acquitted both the respondents for charges under Section 354/34 of the Indian Penal Code and under sections 8 & 12 of the Protection of Children from Sexual Offences Act, 2012.
3. In the present case, prosecutrix is PW-3. The prosecutrix deposed regarding co-accused Mukhtiya Khan @ Pappu that he teased her and made sexual overtures against her (para 7). The

said co-accused has died during the trial. This witness further deposed regarding respondent Meer Ishad Ali @ Bade that he called her to massage his foot and thereafter touched her body to outrage her modesty. But this witness has rebutted her earlier version and deposed that this respondent never asked her to massage his foot. She further deposed that no wrong action was done by him. She further deposed that Irfan Ali @ Balla also not done any wrong act against her (para 13).

4. Looking to the entire version of the prosecutrix, the trial Court recorded finding that the prosecutrix is not firm in her version, therefore, it is not safe to act on her statements. Therefore, the trial Court recorded finding of acquittal. After reassessing the entire evidence on record, this Court is of the view that it is not a case where interference of this Court is required with the judgment of trial Court. It is also not a case where the respondents should be called for full consideration of the petition.

5. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
JUDGE