

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 545 of 2019

State of Chhattisgarh, Through- Police Station Dharsinwa, District-
Raipur (C.G.) **---- Appellant**

Versus

Ajay Ratre, S/o- Girdhari Ratre, R/o- Village Nimora, Police station
Dharshinwa, District-Raipur (C.G.) **---- Respondent**

For State/Appellant : Mr. Afroj Khan, Panel Lawyer

For Respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

15/10/2019

1. Heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
2. This acquittal appeal is preferred against judgment dated 18th September, 2018 passed by 7th Additional Sessions Judge, Raipur, District- Raipur (C.G.), in Special Criminal Case No. 94/2017 where in the said Court acquitted the respondent for charge under Sections 454, 354 & 342 of IPC, 1860 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.
3. In the present case, prosecutrix is PW-1. As per version of this witness no bad act was committed by the appellant against her and the respondent did not assault the prosecutrix and Prosecutrix does not support version of the prosecution. This prosecutrix witness has been subjected to the leading question by the prosecution side and on answer to the leading question, she said that respondent caught her hand with bad

intension. The version of this witness is contradictory to the version deposes during her examination in chief. Other witnesses are not an eye witness because they deposed before the trial Court that they have informed by the same prosecutrix or from some other sources.

4. On in overall assessment, the Trial Court came to the conclusion that charges labeled against the respondent is not proved. After reassessing the entire evidence, this Court has no reason to record contrary finding regarding commission of offence. It is not a case where respondent should be called for hearing again for full consideration of this appeal.
5. Accordingly, application for grant of leave to appeal is rejected. Consequently, this appeal stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge