

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2175 of 2018**

- State Of Chhattisgarh Through Station House Officer, Police Station Patna, District Korea Chhattisgarh.

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

- Akash Kumar @ Suraj S/o Late Gulab Ram Panika Aged About 27 Years R/o Village Viratnagar , Pandawpara, Police Station Patna Distirct Korea Chhattisgarh.

---- **Respondent**

 For the Petitioner/State : Shri Vir Bahadur Singh, Panel Lawyer
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

15.01.2019.

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 29.6.2018 passed by Special Judge under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989/ Amended Act 2015, Baikuthpur Distt. Koriya (CG) in Special Criminal Case No.02/2017 wherein the said Court acquitted the respondent for the charges under Sections 354, 354A of the Indian Penal Code, 1860 and under Section 3(1) of the Act, 1989/amended Act 2015.
3. In the present case prosecutrix is PW-1. As per the version of this witness, the respondent has entered into her grossery shop to purchase some goods and when the prosecutrix was delivering the goods to him, he caught hold her hands and said her that he

likes the prosecutrix. As per the version of the prosecutrix at that time her husband came to the shop and thereafter the respondent fled away from the spot. Ranjit Prasad Mandal (PW-2) is the husband of the prosecutrix. As per the version of this witness, the prosecutrix informed him that the respondent was saying that if she will not accept him, then he will defame the prosecutrix. Version of Ranjit Mandal (PW-2) and the prosecutrix (PW-1) is contrary in nature.

4. Looking to the entire evidence, the trial Court opined that looking to the contradiction in the statement of both the material witnesses, it is difficult to believe the story put forth by the prosecutrix. The finding arrived at by the trial Court is based on relevant material placed on record and the same is not based on extraneous and irrelevant material. It is settled law that when two views are possible, the view which is favourable to the accused should be accepted. After reassessing the entire evidence this Court has no reason to record a contrary finding. It is not a case where the respondent 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