

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2309 of 2018

- State Of Chhattisgarh Through The Station House Officer, Police Station Sakti District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- Vinod Lahre @ Banti S/o Ramcharan Lahre Aged About 21 Years R/o Village Dodki, Police Station Sakti, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner/State	: Shri Subash Yadav, GA
For Respondent	: None present

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Smt. Justice Rajani Dubey

Order on Board By Prashant Kumar Mishra, J.

23/01/2019

Heard State counsel on admission.

The trial court has acquitted the respondent of the charges under Sections 6 and 4 of the Protection of Children from Sexual Offences Act and Sections 376(1) and 506 Part II IPC, for the reason that the prosecutrix is not consistent in her statement as she has made different statements at different stages of her examination.

2. Perusal of the evidence available on record would reveal that initially the prosecutrix and the respondent happened to meet at a

marriage function of near relative. After a brief friendship and conversation over mobile phone, the respondent convinced her to engage in sexual intercourse on promise to marry but subsequently he refused to marry the prosecutrix as her parents were not agreeing for the relationship.

3. Considering the entire evidence on record, trial court opined that the version of the prosecutrix is not credit worthy and the accused is entitled to benefit of doubt.

4. Having seen the evidence, we are satisfied that the view taken by the trial court is not perverse. Statement of the prosecutrix is very clear that she is not consistent in her stand. In such case when the trial court has taken one possible view of the matter, the High Court while considering the matter in acquittal appeal is not entitled to take a different view of the matter.

Prayer for grant of leave to appeal deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Rajani Dubey)
Judge