

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Criminal Misc. Petition No.2440 of 2018**

- State Of Chhattisgarh Through The Station House Officer Police Station Berla, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

- Sandeep Kumar Sahu S/o Chitranjan Sahu Aged About 19 Years R/o Village Bhatgaon (Sarda) Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

 For the Petitioner/State : Shri Ravish Verma, Govt. Advocate
 For the respondent : None

Hon'ble Shri Justice Ram Prasanna Sharma
Order On Board

11.01.2019.

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 09.8.2018 passed by Special Judge under the Protection of Children from Sexual Offences Act, 2012, Bemetara, Distt. Bemetara (CG) in Special Case FTC/35/17 wherein the said Court acquitted the respondent for the charge under Section 368 of the Indian Penal Code, 1860 for wrongfully concealing the prosecutrix on 17.5.2017 at 5.00 pm at village Beloudikala.
3. Prosecutrix is not stable towards her version as at one point of time she stated that she had gone to her friend's house on her own will and for that the respondent has helped her, but in another point of time she stated that she did not visit anyone and she went to Smriti Nagar, Bhilai alone. Other witnesses adduced by the

prosecution is hear-say in nature because they stated about the facts what is informed to them by some other person.

4. Looking to the unstable statement of the prosecutrix, the trial Court opined that the charges levelled against the respondent is not established. 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