

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2492 of 2018**

- The State of Chhattisgarh Through Police Station Patharia District Mungeli Chhattisgarh.

---- Petitioner

Versus

- Deepak Kumar Sahu S/o Late Ganesh Ram Sahu Aged About 20 Years R/o Behind Nahu Garrage Telipara ,bilaspur Poliece Station Civil Lines, District Bemetara Chhattsgarh

---- Respondent

For Appellant/State : Mr. V.B. Singh, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****9-1-2019**

- 1) Heard on application for grant of leave to appeal under Section 378(3) of the Code of Criminal Procedure, 1973.
- 2) This petition is preferred under Section 378 (3) of the Code of Criminal Procedure, 1973 against the judgment of acquittal dated 30-8-2018 passed by the Additional Sessions Judge/Special Judge, (Protection of Children from Sexual Offences Act, 2012) (for short, the Act, 2012, Mungeli, (CG) in Special Criminal Case No. 58 of 2015 wherein the said court acquitted the respondent for charges under Section 509 of the IPC and Section 11 of the Act, 2012 for insulting modesty of the prosecutrix and her harassment.
- 3) In the present case, prosecutrix is PW/4. Though she deposed before the trial court in her examination-in-chief that respondent uttered word to insult her modesty, but she admitted

that she visited with respondent to Bhopal city and no complaint was lodged against him. She further admitted that due to their love affair her parents had withdrawn her from schooling. PW/5 Najma Begam also deposed that prosecutrix was entangled with respondent. PW/6 Mohd. Sameem also deposed on same lines.

4) Looking to the entire evidence, the trial Court opined that the charges are not established beyond shadow of doubt. The trial Court has elaborately discussed the entire evidence and the finding of the trial Court is based on relevant material placed on record. It is not based on irrelevant or extraneous material. It is settled principle of law that if two views are possible, the view which is favourable to the respondent/accused could be accepted.

5) 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 this petition.

6) Accordingly, application for grant of leave to appeal is rejected. Consequently, the instant CRMP stands dismissed.

Sd/-
(Ram Prasanna Sharma)
Judge

Raju