

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2525 of 2018

State Of Chhattisgarh Through Police Station Nawagarh District Janjgir Champa
Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

Ashwani Kumar Sonwani S/o Narayan Prasad Sonwani Aged About 21 Years
R/o Village Chhata ,police Station Lalpur District Mungeli Chhattisgarh.,
District : Mungeli, Chhattisgarh

---- Respondent

For Appellant/State : Shri Anand Verma, Dy. Govt. Advocate

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Order On Board

26/02/2019

1. Heard on IA No.1/19, application for condonation of delay in filing the petition.
2. Upon due consideration of the grounds urged in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the petition is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Learned counsel for the State/appellant would argue that even though the prosecutrix (PW2) did not fully support the prosecution case, at least it has come out in the prosecution evidence that the prosecutrix was taken away by the respondent and, therefore, even if offence under Section 376 IPC is not made out, offence under Sections 363, 366 IPC read with Section 6 of the POCSO is made out.
5. We have carefully scrutinized the statement of the prosecutrix (PW2), who on the date of deposition, was 20 years of age. She has not supported the case of the prosecution on any ground whatsoever and has completely turned hostile. Even suggestion that respondent had taken her along with him has also been

specifically denied. Therefore, in that view of the evidence of the prosecutrix (PW2), in our opinion, the learned trial Court did not commit any patent illegality in acquitting the respondent by giving him benefit of doubt.

6. We do not, therefore, find any ground for interference with the impugned judgment of acquittal taking into consideration the limited scope of interference against the judgment of acquittal. No case for grant of leave to appeal is made out.

7. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge