

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 243 of 2020**

State of Chhattisgarh Through Police Station Chuikhadan, District -
Rajnandgaon Chhattisgarh. **---- Petitioner**

Versus

Swaroop Verma S/o Dashiram Verma Aged About 44 Years R/o Village
Bhimapuri, Police - Station Chuikhadan, District Rajnandgaon
Chhattisgarh. **---- Respondent**

For State/ petitioner : Mr. Aman Kesharwani, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****12.03.2020**

1. Heard on I.A No.1/2020, application for condonation of delay in filing instant petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & others** reported in **(1996) 3 SCC 132**, the delay of 52 days in filing the petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against judgment dated 20th of August, 2019 passed by the Additional Sessions Judge, Khairagarh, District- Rajnandgaon (C.G.) in Criminal Case No. 09/2018 wherein the said Court acquitted the respondent for commission of offence under Sections 354(d)(1), 354(A)(1)(ii)(iii) of Indian Penal Code, 1860 and Section 8 of Prevention of Children from Sexual Offences Act, 2012 for stalking the prosecutrix (PW-4) by following her and for committing physical contact and sexual advances

involving unwelcome and demanding explicit sexual overture or requesting sexual favours and for committing sexual assault as defined in Section 7 of the POCSO Act, 2012.

5. After considering the entire evidence, the trial Court recorded finding that from the evidence it is clear that prosecutrix did not make any noise at the time of incident for help from the people who were working in their field. Again, the prosecutrix deposed that her bangles were broken at the time of incident and she sustained injuries but no medical expert was examined to substantiate that prosecutrix really sustained some injuries on her body.
6. View taken by the said Court is one of the plausible view. It is settled law that if two views are possible, the view which is favourable to the respondent/ accused, should be accepted. There is nothing on record to convert order of acquittal into conviction.
7. The trial Court after evaluating the entire evidence recorded finding that charge leveled against the respondent is not established. After going through the records it is not a case where interference of this Court is required with the judgment of the trial Court. It is also not a case where respondent should be called for hearing again for full consideration of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
 Judge