

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 624 of 2020

State of Chhattisgarh Through Police Station Hasoud, District
Janjgir-Champa, Chhattisgarh **---- Petitioner**

Versus

Anil Kumar S/o Gangaram Aged About 21 Years R/o Village
Marghatti, Police Station Hasoud, District Janjgir- Champa,
Chhattisgarh. **---- Respondent**

For State/ Petitioner : Mrs. Smita Jha, Panel Lawyer

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

12.03.2020

1. Heard on I.A. No. 01/2020, application for condonation of delay in filing the 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 10 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 21st of November, 2019 passed by Special Judge(POCSO Act) Sakti, District- Janjgir-Champa (C.G.) in Special Criminal Case No. 16/2017 wherein the said court has acquitted the respondent

for offence under Sections 354D, 506 Part-II & under Section 8 of the POCSO Act, 2012.

5. In the present case, prosecutrix is (PW-2). She deposed before the trial Court that brother of the prosecutrix has assaulted the respondent that is why report was lodged by the respondent against the brother of the complainant and thereafter, one report was also lodged against the respondent as counter blast to the report made by the respondent. The trial Court after evaluating the entire evidence recorded finding that statement of the prosecutrix is not of sterling quality. The ingredients required for commission of the said offence is not proved by the facts and statements of the prosecutrix is doubtful on various points.
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 has elaborately discussed the entire evidence and after going through the record, this Court has no reason to record contrary finding. It is not a case where the respondents should be called for hearing again for full consideration of this petition. It is not a case where trial Court has over-looked the relevant material placed on record, it is also not a case where order of the trial Court is based on

extraneous or irrelevant material and it cannot be termed as perverse or unreasonable.

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

N.Mohle