

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1384 of 2019

State of Chhattisgarh, Through Police Station- Parpodi, District-
Bemetara (C.G.)

---- Petitioner

Versus

Hemshankar Bisen, S/o Late Bhupesh Bisen, Aged About 21 Years,
R/o Village- Kurlu, Police Station- Parpodi, District- Bemetara (C.G.)

---- Respondent

For State/ Petitioner : Mr. Afroj Khan, Panel Lawyer.
For Respondent : None.

Hon'ble Shri Justice Ram Prasanna Sharma

Order On Board

13/02/2020

1. Heard on application for grant of leave to appeal filed under Section 378 (3) of the Code of Criminal Procedure, 1973.
2. This petition is preferred against judgment dated 02.01.2019 passed by Additional Session Judge, Bemetara, District- Bemetara (C.G.) in Session Trial No. 12/2018, wherein the said court acquitted the respondent for charge under Sections 363 & 366 (A) of IPC, 1860.
3. In the present case, prosecutrix is PW-1. As per version of the prosecutrix, she was willing to go outside from her house and she called the respondent to accompany her that is why the respondent accompanied her. She further deposed that both have traveled to Rajnandgaon, Dongargarh & Bilaspur. From her statement, it is established that the respondent accompanied her as her assistant during travel. The report

was lodged because the prosecutrix did not inform to her parents before leaving the house.

4. The trial court elaborately discussed the entire evidence and recorded finding that it is not a case of taking her, enticing a minor and that too for seducing her to illicit intercourse. The finding recorded by the trial court is one of the plausible view and it is settled law that if two views are possible, the view which is favourable to the accused/ respondent, should be accepted. After reassessing the entire evidence, this Court has no reason to interfere with the said order. It is not a case where respondent should be called for hearing again for full consideration of this petition. Accordingly, application for grant of leave to appeal is rejected.
5. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge