

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1198 of 2015**

- State of Chhattisgarh, through- Police Station- City Kotwali, Bemetara, District- Bemetara (C.G.) ----- **Petitioner**

Versus

- Tijau Sahu, S/o Tirith Ram Sahu, Aged about- 40 years, R/o Village Bitkuli, Police Station- Bemetara, District- Bemetara (C.G.) ----- **Respondent**

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

For Respondent : Shri S.P. Sahu, Advocate.

Hon'ble Shri Justice Ram Prasanna Sharma**Order on Board****17/03/2020**

1. This petition is preferred against the judgment dated 27th August, 2015 passed by Special Judge {Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989/2015}, Bemetara (C.G.) in Special Criminal (Atrocities) Case No. 05/2013 wherein the said Court acquitted the respondent for charge under Sections 456 and 354 of the Indian Penal Code (for short "the IPC"), 1860 and under Section 3(i)(xi) of the Act, 1989/2015.
2. In the present case, the prosecutrix is PW-4. Ex.P/4, which is the report lodged by the prosecutrix and in First Information Report (Ex.P/5), there is nothing that the respondent caught hold hand of the prosecutrix which is a basic document for initiation of the proceeding. Though, she deposed against the respondent before the trial Court, but after evaluating the entire evidence, the trial

Court recorded finding that version of the prosecutrix is exaggerated and no explanation is given for the ex-aggregation. The version of the prosecutrix is not of sterling quality that is why trial Court recorded finding of acquittal.

3. Finding of the trial Court is one of the plausible view. Finding of the said Court is not based on extraneous or irrelevant material or same is perverse material placed on record. After going through the record, this Court is of the opinion that it is not a case where interference of this Court is required in the judgment of the trial Court. It is also not a case where the respondent/accused should be called for full consideration of this petition.
4. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

(Ram Prasanna Sharma)
Judge

Vasant