

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 203 of 2009

The State of Madhya Pradesh (Now the State of Chhattisgarh)

---- Appellant

Versus

Ganpat, S/o- Chaituram, Aged about- 35 years, Caste- Kewat, R/o- Kohdiya, Police Station- Chouki Rampur, Tahsil & District- Korba(M.P.) (Now C.G.)

---- Respondent

For State/appellant - Mrs. Smita Jha, P.L.

For respondent - None

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

24.02.2020

1. This appeal is preferred against the judgment dated 23rd of July, 1999, passed by learned Additional Sessions Judge, Korba (M.P) (Now C.G.), in Criminal Case No. 48/1999 wherein the said Court has acquitted the respondent for commission of offence under Section 354 of the Indian Penal Code, 1860.
2. In the present case, prosecutrix is (PW-1). The Court arrived at conclusion on ground that statement of prosecutrix (PW-1) and eye witness account Sahodara Bai (PW-2) is contradictory in nature to the facts of the case therefore, it would not be safe to record finding of conviction and for that the said Court has elaborately discussed entire evidence.
3. 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.

4. After going through the records, it is not a case where any interference of this Court is required. The trial court has elaborately discussed the entire evidence and came to conclusion that the charges leveled against the respondent is not established. After reassessing the same, this Court has no reason to record contrary finding. It is not a case where respondent should be called for hearing again for full consideration of this petition.
5. Accordingly, application for grant of leave to appeal is rejected. Consequently, the appeal stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge

N.Mohle