

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCriminal Misc. Petition No.2164 of 2019

State of Chhattisgarh, Through Police Station Kharsia, District Raigarh (CG)

---- Petitioner

**Versus**

Ravi Sahu, S/o. Shivprasad Sahu, R/o. Hamalpara, Police Station Kharsia, District Raigarh (CG)

---- Respondent

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 For the Petitioner/State : Shri DK Tiwari, Dy. Govt. Advocate  
 For the Respondent : --  
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Hon'ble Shri Justice Ram Prasanna SharmaOrder On Board12.3.2020

1. Heard on application for grant of leave to appeal under Section 378(3) of CrPC.
2. This petition has been preferred against judgment of acquittal dated 21.6.2019 passed by Incharge Additional Sessions Judge, (FTC), Raigarh (CG) in Special Criminal Case under POCSO Act No.04/2019, wherein the said Court acquitted the respondent for charge under Sections 354B and 354D of the Indian Penal Code, 1860 and under Section 12 of the Protection of Children from Sexual Offences Act, 2012.
3. Though prosecutrix (PW-1) deposed in her examination-in-chief that the appellant caught her and torn her clothes, but she admitted that later on Ex-D/5 has been written by her. As per

Ex-D/5, this witness deposed before the trial Court on saying of her mother and the story narrated in the Court is not a true version. The trial Court after evaluating the entire oral and documentary evidence, recorded finding that it is not safe to act on the statement of the prosecutrix and record finding of conviction. The trial Court has not recorded the finding on the basis of irrelevant or extraneous circumstances. The trial Court has not ignored any irrelevant facts and the finding of the trial Court cannot be termed as perverse. The view taken by the trial court is one of the plausible view. It is settled law that if two views are possible, the view favourable to the accused should be accepted.

4. After going through the entire record, this Court is of the view that 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 the respondent should be called for full consideration of the case.

5. Accordingly, the application for leave to appeal is rejected. Consequently, the CrMP stands dismissed.

**Sd/-**  
**(Ram Prasanna Sharma)**  
**JUDGE**