

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 127 of 2019

State of Chhattisgarh Through The Police Station City Kotwali,
Bilaspur Chhattisgarh ---- **Petitioner**

Versus

Dilip Yadav S/o Vishwanath Yadav Aged About 28 Years R/o
Bahtarai Road, Near Nagnagin Pond, Police Station Sarkanda,
District Bilaspur Chhattisgarh. ---- **Respondent**

For State/petitioner : Mr. Afroj Khan, P.L.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board

25.02.2020

1. Heard on I.A. No.1, which is an application for condonation of delay in filing the instant petition.
2. On due consideration, the application is allowed and the delay of 111 days in filing the instant petition is hereby condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of Cr.P.C.
4. This petition is preferred against the judgment dated 22.03.2018 passed by learned Judicial Magistrate First Class, Bilaspur (C.G.), in Criminal Case No. 3115/2015 wherein the said Court has acquitted the respondent for commission of offence under Sections 509, 294 & 506 Part-II of Indian Penal Code, 1860.
5. In the present case, from the evidence of the prosecutrix and other witnesses, it is not clear, as to what really the respondent uttered abusing words for commission of offence under Section 294 of IPC. As the words uttered by the

respondent is not clear from the statements of the witnesses therefore, charge under Section 294 of IPC is not established.

6. There is no evidence that any threat was given to the complainant- Savitri Goutam (PW-2) therefore, charge under Section 506 Part-II of IPC is also not established. Though evidence regarding Section 509 of IPC was adduced on behalf of prosecution after marshalling the evidence the trial Court recorded that some gesture have been made by the respondent but it is not established that same is made to outrage modesty of the complainant.
7. 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.
8. The trial Court elaborately discussed the entire evidence and in view of the legal position, 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 respondent should be called for hearing again for full consideration of this petition.
9. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-
(Ram Prasanna Sharma)
Judge