

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 198 of 2019

- State of Chhattisgarh, through Station House Officer- Police Station- Champa, District- Janjgir Champa (C.G.) ---- **Petitioner**
- Versus**
- Aartibai Kanwar, W/o Meghunath, Aged about 52 years, R/o Korbapara, Champa, Police Station- Champa, District- Janjgir Champa (C.G.) ---- **Respondent**

For State/Petitioner : Shri Aman Kesharwani, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board27/02/2020

1. Heard on I.A. No. 01/2019, which is an application for condonation of delay in filing the petition.
2. On due consideration and for the reasons mentioned in the application, delay of 112 days in filing the instant petition is condoned.
3. Also heard on application for grant of leave to appeal filed under Section 378(3) of the Code of Criminal Procedure, 1973.
4. This petition is preferred against the judgment dated 25th May, 2018 passed by Special Judge {Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989/2015}, District- Janjgir- Champa (C.G.) in Special Sessions Trial No. 07/2016 wherein the said Court acquitted the respondent for charge under Section 372 of the Indian Penal Code (for short "the IPC") 1872.
5. The case of the prosecution is based on the statement of the victim/complainant (PW-5). Though this witness deposed that one

Shibu taken her to Bhagalpur by train and again he travelled with her to Ranchi and stayed with said Shibu at a hotel. It is stated by the said Shibu that he gave Rs. 30,000/- to the respondent as consideration of sale of the prosecutrix, but this witness did not say this fact at Bhagalpur- Ranchi and other places and no resistance made by her during visit of different places with the said Shibu that is why the trial Court recorded finding that version of the prosecutrix is not dependable.

6. Again, statement of the said Shibu who is co-accused in the present case and absconded that he gave Rs. 30,000/- to the respondent is not substantive piece of evidence because the respondent is denying the allegation and there is no corroborative piece of evidence to version of the said Shibu.
7. The trial Court after evaluating the entire evidence recorded finding of acquittal. Finding of the trial 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, therefore, this Court has no reason to record contrary finding regarding commission of offence. It is not a case where respondent should be called for hearing again of this petition.
8. Accordingly, application for grant of leave to appeal is rejected. Consequently, the petition stands dismissed at motion stage itself.

Sd/-

**(Ram Prasanna Sharma)
Judge**