

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 82 of 2020

- State of Chhattisgarh, through- Police Station- Baradwar, District- Janjgir Champa (C.G.) ----- **Petitioner**

Versus

- Ravindra Kumar Chandra, S/o Shankar Singh, Aged about- 23 years, R/o Village Karouwadih, Police Station- Jaijaipur, District- Janjgir Champa (C.G.) ----- **Respondent**

 For State/Petitioner : Shri Afroj Khan, Panel Lawyer.

Hon'ble Shri Justice Ram Prasanna Sharma

Order on Board04/03/2020

1. Heard on I.A. No. 01/2020, which is an application for condonation of delay in filing the petition.
2. For the reasons mentioned in the application and as per the law laid down by Hon'ble the Apex Court in the matter of **State of Haryana Vs. Chandra Mani & Others** reported in (1996)3 SCC 132, the delay of 18 days in filing the 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 31th August, 2019 passed by Special Judge {Protection of Children from Sexual Offences (POCSO) Act, 2012}, Sakti, District- Janjgir- Champa (C.G.) in Special Criminal Case No. 30/2017 wherein the said Court acquitted the respondent for charge under Sections 354(A) and 354(D) of the Indian Penal Code (for short "the IPC"), 1860 and under Section 12 of the Act, 2012.

5. In the present case, the prosecutrix is PW-4. The trial Court after evaluating the evidence of the prosecution recorded finding that the commission of physical contact and advances involving unwelcome and explicit sexual overture is not established against the respondent.
6. Again, the trial Court recorded finding that evidence is not sufficient that the respondent repeatedly followed the prosecutrix despite the clear indication of disinterest by the prosecutrix.
7. The trial Court after evaluating the entire evidence recorded finding that sexual harassment against the prosecutrix as defined under Section 12 of the Act, 2012 is also not established.
8. 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.
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