



2026:CGHC:9780-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 27 of 2020

- State of Chhattisgarh, Through the Police Station Kota, District – Bilaspur, Chhattisgarh. **...Appellant**

versus

1. Ramkumar Patre, S/o Babulal Patre, aged about 35 Years,
 2. Smt. Godavari Patre, W/o Ramkumar Patre, aged about 30 Years,
- All are R/o Village Bhunda, Police Station Kota, District – Bilaspur, Chhattisgarh. **... Respondents**

For Appellant	:	Mr. Ram Narayan Sahu, Deputy Government Advocate.
For Respondents	:	None, though served.

**Hon'ble Smt. Justice Rajani Dubey &
Hon'ble Shri Justice Radhakishan Agrawal**

Judgment on Board

25.02.2026

Per Radhakishan Agrawal, J.

1. This acquittal appeal filed by the appellant/State arises out of the judgment dated 14.05.2019 passed by the Additional Sessions Judge (F.T.C.), Bilaspur, Chhattisgarh, in Sessions Case No. 93/2017, whereby the learned trial Court acquitted accused/respondent No. 1- Ramkumar Patre of the offences punishable under Sections 376 and 506 of Indian Penal Code (for short, "IPC") and Section 67-A of the Information Technology Act, 2000 (for short, "IT Act, 2000") and respondent No. 2- Godavari Patre of the offences punishable under Section 376-D of IPC and Section 67-A of IT Act, 2000.



2. Case of the prosecution, in brief, is that prosecutrix, aged about 27 years, was acquainted with accused/respondent No.1- Ramkumar Patre and his wife/respondent No.2- Godavari Patre and used to visit their house. It is alleged that about six months prior to lodging of the FIR (Ex.P-3) dated 19.05.2017, she was called to their house, administered an intoxicant in a cold drink, and thereafter accused- Ramkumar committed sexual intercourse with her and prepared an obscene video. It is further alleged that by threatening to circulate the said video, he continued to have sexual relations with her for about six months. When her marriage was arranged, accused- Ramkumar allegedly told her future husband about his alleged relationship with her, because of which, the engagement was cancelled. On these allegations, the report was lodged against the accused persons.
3. During the course of investigation, after obtaining the consent of prosecutrix and her father, she was sent for medical examination, whereupon PW-1 Dr. R.S. examined her and did not notice any injury on the person of the prosecutrix either internally or externally and gave MLC report vide Ex.P-1. Vide Ex.P-8, vaginal slide of the prosecutrix was seized. Vide Ex.P-9, a Samsung mobile phone belonging to accused- Ramkumar was seized. The accused persons were taken into custody. The seized articles were sent to the Forensic Science Laboratory (FSL) for chemical examination, however, no FSL report has been brought on record.
4. Statements of the witnesses were recorded and after completion of investigation, charge-sheet was filed against the accused persons/respondents before the concerned trial Court. Accused persons/respondents abjured their guilt and prayed for trial.



5. The trial Court, after hearing counsel for the parties and appreciating the evidence on record, by the impugned judgment acquitted the accused/respondent of charges leveled against him.
6. Learned counsel for the appellant/State submits that the learned trial Court has erred in acquitting the accused/respondents of the aforesaid charges by recording perverse findings. He further submits that sufficient evidence is available on record, particularly the testimony of PW-2 (prosecutrix), which clearly establishes that the accused persons/respondents are the perpetrators of the offence in question. Consequently, the impugned judgment of acquittal suffers from perversity and illegality and is liable to be set aside.
7. We have heard learned counsel for the appellant and perused the material available on record.
8. The Supreme Court in the matter of *Jafarudheen and others vs. State of Kerala reported in (2022) 8 SCC 440* has considered the scope of interference in Appeal against acquittal, which reads as under:-

“25. While dealing with an appeal against acquittal by invoking Section 378 CrPC, the appellate court has to consider whether the trial court's view can be terms as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”
9. The question that arises for consideration is whether the respondents/accused persons are the perpetrators of the offence in question.
10. Case of the prosecution primarily rests upon the testimony of the prosecutrix. In her examination-in-chief, she stated that she knew the



accused persons and used to frequently visit their house. About six to seven months before lodging the report, she went to their house on being called by accused- Godavari. After consuming a cold drink given there, she became unconscious and on regaining consciousness the next morning, found herself without clothes. She stated that the accused persons threatened her by saying that they had prepared an obscene video of her and would circulate it if she disclosed the incident to anyone. According to her, under such threat, accused- Ramkumar continued to have sexual intercourse with her for about six months. She also stated that when her marriage was arranged, accused- Ramkumar informed the prospective groom about his alleged relationship with her, resulting in cancellation of the engagement. However, on the contrary, in cross-examination, she admitted that she had known the family of the accused persons since 2015 and was on cordial terms with them and frequent visiting terms with them. She admitted that she voluntarily went to their house and that accused- Ramkumar used to visit her house when her mother was ill. She also admitted that during the alleged first incident, she was unconscious and therefore had no knowledge of what actually happened. She also admitted that she did not raise any alarm nor did she immediately inform her family members and continued to visit the house of the accused persons thereafter. She also admitted that no independent witness was present at the time of the alleged threats, she had not personally seen the alleged video being circulated and that no electronic record such as WhatsApp message was produced. She also admitted that she was not present when accused- Ramkumar allegedly spoke to the prospective groom and that she came to know of it from others.



11. From the evidence of the prosecutrix, it clearly emerges that she had a long-standing and cordial relationship with the family of the accused persons and that she used to visit their house voluntarily. She also admitted that at the time of the alleged first incident, she was unconscious and, therefore, had no direct knowledge of what had actually occurred. There is no medical evidence to show that any intoxicant was administered to her or that she was subjected to recent forcible intercourse. No independent witness has supported the allegation of threats. Further, the FIR (Ex.P-3) was lodged after a considerable delay, although the allegation is of repeated intercourse over a period of six months, and no complaint was made during that time. She also admitted that she neither raised any alarm nor informed her family members about the alleged incident. The Investigating Officer (PW-11 Ashok Kumar Sharma) stated that a Samsung mobile phone was seized from accused- Ramkumar vide Ex.P-9. However, the independent seizure witness (PW-5 Arman Khan) did not support this version and stated that no seizure was made in his presence. The other seizure witness, namely, Suresh Yadav, was not examined by the prosecution. Moreover, CD (Article A-1) produced before the Court was not viewable and the alleged electronic evidence was not proved in accordance with law. Therefore, in the absence of cogent and reliable evidence, it cannot be held that the accused persons/respondents are the perpetrators of the offence in question.
12. The Hon'ble Apex Court in its judgment dated 12.02.2024 passed in Criminal Appeal No.1162 of 2011 in case of *Mallappa and Ors. Versus State of Karnataka*, has held in para 36 as under:-



"36. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

"(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive inclusive of all evidence, oral and documentary;

(ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;

(iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;

(iv) If the view of the Trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;"

(v) If the appellate Court is inclined to reverse the acquittal in appeal on a re-appreciation of evidence, it specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;

(vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court."

13. Considering the facts and circumstances of the case and the law laid down by the Hon'ble Supreme Court in *Jafarudheen & Mallappa* (supra), the view taken by the learned trial Court appears to be a plausible and possible view. In the absence of any patent illegality or perversity, this Court is not inclined to interfere with the impugned judgment.

14. Accordingly, the acquittal appeal filed by the appellant/State against the acquittal of accused/respondent is hereby dismissed.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Radhakishan Agrawal)
Judge