



2026:CGHC:1503



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HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 355 of 2022

Ram Kumar Korram S/o Shri Satauram Korram Aged About 36 Years R/o Village- Koliyari, District- Dhamtari Chhattisgarh.

. .. Appellant

versus

State Of Chhattisgarh Through Police Station- Dugali, District- Dhamtari Chhattisgarh.

... Respondent

{Cause title, as taken from Case Information System}

For Appellant	:	Ms. Sonia Kuldeep, Advocate.
For Respondent	:	Ms. Anuradha Jain, Dy. Govt. Advocate.

(Hon'ble Mr. Justice Naresh Kumar Chandravanshi)

Judgment on Board

09/01/2026

1. This criminal appeal under Section 374(2) of the Cr.P.C. has been preferred by the appellant/accused against the judgment of conviction and order of sentence dated 30.11.2021 passed by the Special Judge POCSO (F.T.C.), Dhamtari, District Dhamtari (C.G.) (henceforth referred to as 'Fast Track Court') in Special Criminal Case No. 68/2020, whereby the learned Fast Track Court, after holding the appellant guilty, convicted and sentenced him in the following manner:-

Conviction	Sentence
Under Section 8 of the	Rigorous Imprisonment



Protection of Children from Sexual Offences Act, 2012.	for 3 years and fine of Rs.1,000/-, in default thereof, to undergo additional RI for two months.
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2. Case of the prosecution, in brief, is that on father (PW-3) of the victim / prosecutrix (PW-2) has made a written report at police station Dugali, District Dhamtari to the effect that on 09.12.2020 at around morning 8 AM, appellant came to his house and said that he is going to village Bhutenga by motorcycle to pick up his niece. At that time, he and his daughter (victim) were in the courtyard of the house, so appellant told his daughter that “you also go to village Bhutega and come back after seeing the home of her aunt (Bua) ”, then, he trusted the appellant to be a brother of his daughter (victim) in relationship and agreed to let his daughter accompany him. Subsequently, at around 9.30 A.M., he (complainant) received a call from the Kotwar of village Jabarra and his daughter (victim) informed him that appellant/accused was forcibly molesting her by holding her hand and arm in the Jugle road of village Jabarra. Upon hearing of the incident, he went to village Jabarra with his nephew where several persons were present alongwith his daughter. His daughter narrated the entire incident to her father. Thereafter, based on written complaint made by complainant (father of victim), an FIR under Section 354 of IPC and Sections 8 & 12 of the POCSO Act was registered against the appellant. Statement of victim under Section 164 of Cr.P.C. was recorded before the Judicial Magistrate First Class, Kurud, District Dhamtari. Statements of victim as well as other witnesses were also recorded under Section 161 Cr.P.C. During investigation, consent was obtained from the victim and her family for medical examination and she was medically



examined. Birth certificate (Article A-1) of victim (PW-2) issued by Registrar, Birth & Death was seized vide Ex.P-2. Spot map was prepared by the police as well as Patwari vide Ex.P-4 & Ex.P-9, respectively. Alleged Hero Honda 'CD Dawn' motorcycle was seized from appellant – Ram Kumar Korram vide seizure memo (Ex.P-5). Appellant was arrested vide Arrest Memo (Ex.P-14). After completion of investigation, charge-sheet for the offence under Section 354 read with Section 34 of the IPC and Sections 8 & 12 of the POCSO Act was filed against the appellants before Special Court, Fast Track Court, Dhamtari

3. Learned Fast Track Court framed charges under Section 354 of IPC and Section 8 of the POCSO Act against both the appellant, who abjured his guilt and entered into defence.

4. In order to establish the charges against the accused persons, the prosecution has examined as many as 11 witnesses and exhibited 16 documents including Article A-1. Statement of the appellant under Section 313 of the Cr.P.C. has been recorded, in which he denied all the incriminating circumstances appearing against him in the prosecution evidence claiming themselves to be innocent and false implication. No defence witness has been examined by the appellant in his defence.

5. After appreciation of oral as well as documentary evidence available on record, learned Fast Track Court vide its impugned judgment convicted the appellant under Section 8 of the POCSO Act and sentenced him, as has been mentioned in opening paragraph of judgment, which has been assailed by the appellant in the instant petition.



6. Learned counsel appearing for the appellant/accused submits that she did not dispute the fact that victim was minor on the date of the incident. She submits that allegations against the appellant is that he molested minor victim by holding her hand and saying that "let us go to have romance", but victim (PW-2) herself has admitted in her cross-examination that on the way appellant stopped motorcycle and said that after sometime they will go, but victim did not intend to stay there, therefore, she was going from there, hence, appellant only hold her hand, despite that she freed her hand and ran away from there, at that time, she was crying. She herself has admitted in her cross-examination that appellant/accused had not committed any obscene act with her, hence, he prays that appeal be allowed by setting aside the impugned judgment and the appellant may be acquitted of the alleged charge.

7. Per contra, learned counsel for the State / respondent would submit that impugned judgment is based on well appreciation of evidence, hence, it does not call for any interference by this Court, therefore, the appeal deserves to be rejected.

8. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also went through the record of the trial Court with utmost circumspection.

9. Victim / prosecutrix (PW-2) has stated in her evidence that her date of birth is 20.06.2005 and appellant is her uncle (चाचा) in relation to the village. Her father (PW-3) has stated in his evidence that age of victim was 16-17 years at the time of incident. Article A-1 is photo-copy of birth certificate of victim, which was seized vide seizure memo (Ex.P-2) from victim (PW-2). This certificate was issued by Registrar, Birth-Death on 2.7.2005 i.e. after 12



days from the date of birth of victim and as per her birth certificate, date of birth of victim is 20.06.2005, which has also been stated by the victim (PW-2) in her evidence. Nothing has been brought in the deposition of victim or her parents to discard aforesaid fact and Article A-1, therefore, it cannot be disbelieved that date of birth of victim was 20.06.2005, hence, finding recorded by learned Special Court that victim was minor on the date of incident is upheld.

10. So far as allegation of molestation / sexual harrassment is concerned, victim (PW-2) has stated in her deposition that when she was going alongwith the appellant on motorcycle, then appellant stopped the motorcycle in forest area and pulling her towards him by holding her hands by saying that 'let us to have romance' . She has further deposed that she freed her hand and ran away crying, then one person going in cycle had dropped her to village Jabarra where she told about the incident to Lalit Narayan Suryavanshi, Kotwar (PW-5). This witness has stated that this witness told him that appellant had held her hand, he has not supported the statement of victim that appellant had told her to have romance.

11. PW-1 is mother *and* PW-3 is father of victim. They have stated in their deposition that victim (PW-2) had told them that by holding her hand, appellant pulled her towards him, but victim herself has not stated that appellant pulled her towards him. Though, parents of victim (PW-2) and Lalit Narayan Suryavanshi, Kotwar (PW-5) have supported statement of victim to whom she told that appellant had held her hand. This fact has also been supported by Dulsingh (PW-10).



12. As per deposition of victim (PW-2) and her parents, both the parties are resident of same village and appellant was taking victim with him on motorcycle to bring his niece. These witnesses have also stated in their deposition that appellant is treated the victim as his niece (भतीजी) in relation to the village. Under such fiduciary relation, he was taking the victim. Victim (PW-2) herself has admitted in her cross-examination that the appellant had stopped motorcycle by saying that after a while they will go together, but the victim did not want to stay there, therefore, she was leaving from there, that is why the appellant held her hand, hence, the victim freed her hand and ran away from there. She has also admitted in paragraph 7 of her cross-examination that except holding her hands, appellant had not committed any obscene act with her nor have any romance. Thus, from overall evidence, it is found that except holding hand of victim, appellant did not commit any obscene act and he held his hands because he wanted to stay there for a while, which was not accepted by victim, therefore, she started going from there, on this count, appellant had held her hand. Whether the appellant had told victim to have romance or pulled her towards him is found to be serious contradictory fact from deposition of aforesaid witnesses. Therefore, having considered mutual relation between victim and appellant and under such fiduciary relation, father of victim himself had permitted victim to go with the appellant and further considering the admission made by victim herself in paragraph 7 of her cross-examination that except holding her hand, appellant had not committed any obscene act with her, therefore, it cannot be held beyond reasonable doubt that appellant hold hands of victim with any sexual intent or to outrage her modesty.

13. In view of above discussion, it is found that the prosecution has not proved its case beyond reasonable doubt. Resultantly, the Criminal Appeal is



allowed and impugned judgment of conviction and order of sentence dated 30.11.2021 passed by learned Fast Track Court in Special Criminal Case No. 68 of 2020 is set-aside. The appellant is acquitted of the charge under 354 of IPC and Section 8 of the POCOS Act by extending him benefit of doubt.

14. The appellant / accused is reported to be on bail. The bail bonds furnished by him shall remain in operation for a period of six months from today in view of the provisions contained in Section 481 of the Bhartiya Nagrik Suraksha Sanhita, 2023.

15. Let a copy of this judgment alongwith original record be sent back to the concerned Fast Court forthwith for information & necessary action, if any.

Sd/-
(Naresh Kumar Chandravanshi)
Judge.