



2025:CGHC:38690-DB



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 98 of 2018

- State Of Chhattisgarh, Through Police Station Berla, District Bemetara (C.G.).

... Appellant

versus

- Komal Sen S/o Vishnu Sen, Aged About 23 Years, R/o Andhiyarkhor, Police Station Nawagarh, District Bemetara (C.G.).

... Respondent

For Appellant/State : Mr. Deepak Kumar Singh, P.L.

For Respondent : Mr. Amit Kumar Sahu, Advocate.

DB: Hon'ble Shri Justice Sanjay S. Agrawal &

Hon'ble Shri Justice Radhakishan Agrawal

Judgment On Board

Per Sanjay S. Agrawal, J

05/08/2025

- 1) This appeal has been preferred by the appellant/State under Section 378 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 13/10/2017 passed by the Special Judge (POCSO Act)/Additional Sessions Judge, Bemetara, District Bemetara (C.G.) in Special Case No.36/2017,



whereby, the respondent has been acquitted with regard to the offence punishable under Sections 363, 366-A and 376 of IPC read with Sections 5/6 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as “the POCSO Act”).

- 2) From perusal of the record, it appears that the respondent has been charge-sheeted with regard to the offence punishable under Sections 363, 366-A and 376 of IPC read with Sections 5/6 of the POCSO Act. It is alleged by the prosecution that on 19/06/2017, a written report (Ex.P-1) was lodged by the prosecutrix, who was minor at the relevant point of time, before the Police Station Berla, District Bemetara, alleging therein, that in the month of January, 2017 when she went to attend the call of nature, the respondent-Komal Sen came and forcefully committed sexual intercourse with her, while threatening to kill her family members. It is alleged further that on 13/06/2017, he came and while assuring to marry with her took her to Kohka (Bhilai) by his motorcycle and committed the alleged sexual intercourse for 5-6 days continuously and, thereafter, she informed to her parents by phone, who then took her back.
- 3) In order to establish the alleged allegation, the prosecutrix was examined as PW-1, however, a bare perusal of her testimony would show that nothing was done by the respondent with her and, it appears further that the alleged report was lodged by her only at the instance of her parents. Further of her testimony would reveal the fact that she had gone to Bhilai alongwith her friends without informing to her parents. Her mother (PW-2) and father (PW-3) have



also stated in their evidence that nothing was done by the respondent with their daughter and, since the prosecutrix herself has not supported the alleged allegation, as was levelled by her in her written report (Ex.P-1), nor was found to be established by her parents (PW-2 and PW-3), the trial Court, has, therefore, not erred in acquitting the respondent from the commission of the alleged crime, so as to call for any interference in this appeal.

- 4) The appeal, being devoid of merit, is accordingly, dismissed.

**-Sd/-
(Sanjay S. Agrawal)
Judge**

**-Sd/-
(Radhakishan Agrawal)
Judge**