



2026:CGHC:10629



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 135 of 2022

State Of Chhattisgarh Through Police Station Patewa, District Mahasamund, Chhattisgarh.

... Appellant

versus

Raju Ram Khadiya, S/o Pannalal Khadiya, Aged About 30 Years, R/o Amora, Police Station Patewa, District Mahasamund, Chhattisgarh.

... Respondent

For State/Appellant : Mr. Dharmesh Shrivastava, Dy. A.G.

For Respondent : Mr. Rajendra Patel, Advocate

Single Bench : Hon'ble Shri Justice Sanjay S. Agrawal

Judgment on Board

28/02/2026

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 17/11/2021 passed by the Special Court (Protection of Children from Sexual Offences Act, 2012) Mahasamund (C.G.) in Special Criminal Case No.H-34/2020, whereby, the respondent has been acquitted with regard to the



offence punishable under Sections 451 and 354 of IPC, read with Section 8 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, a written report (Ex.P/2) was lodged by the father of the prosecutrix on 02/08/2020 before the Police Station- Patewa, District- Mahasamund alleging interalia that on 01/08/2020 around 10:00 A.M., when no one was at home, the respondent entered into his house and caught hold of the breast of his daughter, owing to which, she somehow escaped herself and went towards her grand-father and narrated the incident to him and also to her grand-mother and, based upon the alleged allegation, the respondent has been charge-sheeted with regard to the offence punishable under Sections 451 and 354 of IPC read with Section 8 of the POCSO Act.
3. In order to establish the alleged allegations, the prosecutrix was examined as PW-1 and a bare perusal of her statement would, however, show that the respondent has tried to caught hold of her breast but she dashed him and, thereafter, he has caught hold of her hand and by escaping herself from his clutches, she ran towards the house of her grand-father and, it was deposed further that when her father returned home, then she informed him regarding the occurrence of the alleged incident and, thereafter, her father with the consultation of the family members and also with the villagers, lodged the report on the next day. Her father (PW-2), while deviating



the statement of his daughter, has stated that on the said fateful day, when none was at home, the respondent has come and touched the breast of his daughter, owing to which, she dashed him and ran towards the house of her grand-father (PW-4). His statement is, therefore, contrary to the allegation made by him in his report (Ex.P/2). Her grand-father (PW-4) has also not stated that the respondent has touched her breast.

4. In view of the aforesaid testimonies, it, thus, appears that, there is material discrepancies with regard to the occurrence of the alleged incident, as was alleged by the father of the prosecutrix in his report (Ex.P/2) and, the trial Court after taking note of those materials has, therefore, not committed any illegality in acquitting the respondent from the commission of the alleged crime, so as to call for any interference in this appeal.
5. The appeal being devoid of merit is, accordingly, dismissed.

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