



2026:CGHC:9721



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 141 of 2022

1 - Xyz Nil

... Appellant

versus

1 - Vikash Joshi @ Kamlesh Joshi S/o Vedram Joshi Aged About 18 Years

2 - Anish @ Karru Markande S/o Narsingh Markande Aged About 20 Years

3 - Updesh Markande S/o B.R. Markande Aged About 45 Years

4 - Vedram Joshi S/o Gajanand Joshi Aged About 44 Years

All R/o Village Pachri, Police Station Patewa, District Mahasamund (C.G.)

5 - State of Chhattisgarh Through- Station House Officer, Police Station Patewa, District Mahasamund (C.G.)

... Respondents

For Appellant	: Ms. Prachi Singh, Advocate
For Respondents No.1 to 4	: None
For Respondent No.5/State	: Ms. K. Radhika, Panel Lawyer

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

Judgment on Board

Per Sanjay S. Agrawal, J.

24.02.2026

1. This appeal has been preferred by the appellant- prosecutrix under proviso to Section 372 of the Code of Criminal Procedure, 1973,



questioning the legality and propriety of the judgment dated 15/02/2022, passed by the Special Judge (Protection of Children from Sexual Offences Act, 2012), Mahasamund (CG) in Special Criminal Case No. H-42/2019, whereby, the respondents No. 1 to 3 (Vikas Joshi @ Kamlesh Joshi, Updesh Markande and Anish @ Karru Markade), except respondent No.4- Vedram Joshi (in the trial Court order mentioned as "Bedram"), have been acquitted with regard to the offence punishable under Sections 294, 427/34, 509/34 of IPC read with Section 12 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as 'the POCSO Act'), under Section 354/34 of IPC read with Section 8 of the POCSO Act and also for the offence punishable under Section 323/34 and Section 506 Part-I/34 of IPC, while respondent No.4- Vedram Joshi, has been held guilty for the offence punishable under Section 354 of IPC read with Section 8 of the POCSO Act, for which an appeal, being Criminal Appeal No.403/2022 was filed by him.

2. Briefly stated the case of the prosecution is that on 17.11.2018, at about 7.00 am, the prosecutrix, a minor, was sitting outside of her house along with her elder sister talking about the election results and, at that point of time, the respondent No.4- Vedram Joshi came and held the clothes of her and asked her to talk with him. It is alleged further that the respondent No.4- Vedram Joshi molested her by pulling her clothes and, the complainant, who is the elder sister of the victim came there and intervened the matter and took the prosecutrix inside the house and closed the gate of their house. Further prosecution story is that during the course of altercation, mobile of the prosecutrix was broken



and the other accused persons also reached there and pelted stones in the house of the prosecutrix, owing to which, another elder sister of her also sustained injuries on her leg and, based upon the alleged incident, a written report was lodged by the elder sister of the prosecutrix. It appears further that on 17/11/2018, the prosecutrix and her sisters were got examined medically by Dr. A.S. Kesar (PW-6) and based upon the alleged incident, the respondents have been charged as mentioned herein-above, which was denied by them and claimed to be tried.

3. In order to establish the alleged allegations, the prosecutrix was examined as PW-1 and it was stated by her that, at the relevant point of time, she was sitting in front of the house along with her sisters and talking about the election results, where the respondent No.4-Vedram Joshi, who was there at that particular time, got angry and asked her to talk with him and started touching her with ill-intention and also started fighting with her and scrambled her. She deposed further that at that particular time, other accused persons also reached there and instigated him by saying to beat, while using filthy words. She deposed further that when she tried to escape herself, the respondent No.4-Vedram Joshi pushed her, due to which, she fell down and then he kicked her from behind and pulled her hair. Further of her testimony would reveal the fact that her elder sister was also reached the spot and took her inside the house and, it reveals from her cross-examination, particularly para-23, that though, blood was not oozing in the aforesaid assault, but she has sustained rashes on account of the alleged assault made by the respondent No.4- Vedram Joshi and, Dr. A.S. Kesar (PW-6), who examined her, found multiple abrasions on her



left shoulder and all the injuries were opined by him to be simple in nature. Her elder sister was examined as PW-2 and according to her statement, it appears that at the time of incident, she was sleeping towards the garden (Badi) and on being informed by her younger sister, she reached the spot and protected the prosecutrix, who at the relevant point of time, was crying for help. She further deposed that the respondent No.4- Vedram Joshi was assaulting her by holding her hair and other accused persons were abusing and instigating him. It appears further from her testimony that though, the respondent No.4- Vedram Joshi had pushed the prosecutrix by holding her breast, but this fact was, however, not found to be supported from the statement of the prosecutrix herself, as she has not stated as such. The statement of another of her sister, who was examined as PW-5, was a hearsay witness and, no reliance, therefore, could be placed upon it.

4. From perusal of their testimonies (PW-1 and PW-2), it appears that the statement of the victim was found to be supported only to the extent that the respondent No.4- Vedram Joshi was assaulting the prosecutrix and has pushed her and, it, thus, appears that he (Vedram Joshi) alone was found to be assaulting the prosecutrix and pushed her, while no active participation of others' was revealed from their testimonies, so as to hold them (respondents 1, 2 and 3) guilty for the offence mentioned herein-above. The trial Court after taking note of those materials, has, therefore, not committed any illegality in acquitting them, except respondent No.4- Vedram Joshi, for the offence mentioned herein-above.
5. It is to be seen further that the respondent No.4- Vedram Joshi, who



was held to be guilty by the trial Court vide its judgment impugned for the offence punishable under Section 354 of IPC read with Section 8 of the POCSO Act, had questioned the same in appeal, which was registered as Criminal Appeal No.403/2022 and after considering the evidence led by the parties, including the statement of the prosecutrix (PW-1), it was held by the Co-ordinate Bench of this Court that the prosecutrix was not below the age of 18 years and the conviction of him under Section 354 of IPC read with Section 8 of the POCSO Act was converted to that of Section 323 of IPC vide judgment, dated 17/11/2025.

6. In view of the aforesaid background, I do not find any substance in this appeal. The appeal, being devoid of merit, is accordingly, dismissed at the admission stage itself.

Sd/-
(Sanjay S. Agrawal)
JUDGE