



2026:CGHC:3494-DB

NAFR

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**ACQA No. 338 of 2018**

- State of Chhattisgarh, Through Police Station Dongargaon, District Rajnandgaon, Chhattisgarh.

**...Appellant**

**versus**

- Shahrookh Khan, S/o Aziz Khan, aged About 20 Years R/o Itwari Railway Station, Dahi Bazar Nagpur, Police Station Shantinagar, District Nagpur Maharashtra, District : Nagpur, Maharashtra.

**... Respondent**

|                |   |                                              |
|----------------|---|----------------------------------------------|
| For Appellant  | : | Mr. Atanu Ghosh, Deputy Government Advocate. |
| For Respondent | : | None.                                        |

**Hon'ble Smt. Justice Rajani Dubey &**

**Hon'ble Shri Justice Radhakishan Agrawal**

**Judgment on Board**

**21.01.2026**

**Per Radhakishan Agrawal, J.**

1. This acquittal appeal filed by the appellant/State arises out of the judgment dated 06.01.2018 passed by the Additional Sessions Judge (F.T.C.), Rajnandgaon, Chhattisgarh, in Special Sessions Case No.06/2017, whereby the learned trial Court acquitted the accused/respondent of the charges under Sections 363, 366 and 376(2) of Indian Penal Code (for short, "IPC") and Section 6 of Protection of Children from Sexual Offences Act, 2012 (in short, 'the Act, 2012').



2. Case of the prosecution, in brief, is that on 14.12.2016, father of the victim (PW-1) lodged an FIR (Ex.P-1) stating therein that on 13.12.2016, his minor daughter/victim had left her house without informing him or any other family member and it was suspected that she had been enticed and kidnapped by an unknown person. During the course of investigation, on 22.12.2016, victim was recovered from Maharashtra along with accused/respondent. Thereafter, a recovery *panchanama* was prepared vide Ex.P-6 and a spot map was prepared vide Ex.P-7. Vide Exs.P-4 and P-5, progress report card of Class VIII and the birth certificate of the victim were seized.
3. Statements of the witnesses were recorded and after completing investigation, charge sheet was filed against the accused/respondent before the concerned trial Court. Accused/respondent abjured the guilt and prayed for trial.
4. The trial Court, after hearing counsel for the parties and appreciating the evidence on record, by the impugned judgment acquitted the accused/respondent herein of said charges leveled against him.
5. Learned counsel appearing for the appellant/State submits that the finding of the trial Court holding that the accused/respondent is not involved in connection with the alleged crime, is apparently contrary to the materials available on record, in as much as, the evidence led by the prosecution, particularly, the statement of PW-3/victim, has not been scanned in its proper manner and thereby, erred in acquitting the accused/respondent from the commission of the alleged crime.
6. Heard learned counsel for the Appellant and perused the material available on record.



7. 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.”

8. The present case is based solely on the evidence of PW-3 (victim). A bare perusal of her testimony would show that she has turned hostile. In her statement before the Court, she stated that she does not know the accused/respondent. She further stated that in December, 2016, her father scolded her regarding her studies and after that, she left her house on her own and travelled from *Dongargaon* to *Rajnandgaon* by bus. From *Rajnandgaon*, she boarded a train and went alone to the house of her uncle at *Kamthi*. From there, she went to her uncle's brother-in-law- Mohsin Khan, who informed her uncle over telephone about her stay at his house. She further stated that she remained at Nagpur for about one week and thereafter, her uncle brought her back from *Kamthi* to *Dongargaon*. She categorically denied that accused/respondent ever enticed or seduced her, promised to marry her or established physical relations with her. This apart, PW-1 father of the victim also stated that when he returned home from duty, his wife informed him that she had scolded the victim regarding work, due to which, victim became angry and left the house. He further stated that his daughter/victim was recovered from the house of his brother's in-laws at



Nagpur and not from the possession of the accused/respondent. Since victim/PW-3 herself turned hostile and did not support the prosecution case, we are of the considered opinion that the learned trial Court, after evaluating the evidence available on record, is justified in acquitting the accused/respondent of the said charges, which calls for no interference.

9. Accordingly, the acquittal appeal by the Appellant/State against the acquittal of the accused/respondent herein is hereby dismissed.

Sd/-  
**(Rajani Dubey)**  
Judge

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

Akhilesh