



2026:CGHC:11874

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**ACQA No. 204 of 2023**

State Of Chhattisgarh, Through District Magistrate, Jashpur Chhattisgarh.

... **Appellant****versus**

Arun Kumar Bhagat S/o Vishwanath Prasad, Aged About 29 Years R/o Jamdhodi Ghutrapara, Police Station- Sitapur, District Surguja Chhattisgarh.

... **Respondent**

For Appellant/State	: Mr. Dharmesh Shrivastava, Dy. Advocate General
For Respondent	: Mr. Manish Mishra, Advocate

Single Bench : Hon'ble Shri Justice Sanjay S. Agrawal**Judgment On Board****12.03.2026**

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 23.03.2022 passed by the Judicial Magistrate First Class, Bagicha, District Jashpur (C.G.) in



Criminal Case No.260/2018, whereby, the respondent has been acquitted with regard to the offence punishable under Section 66-C of the Information Technology Act, 2000.

- 2.** From perusal fo the record, it appears that a written report (Ex.P-2) was lodged by the prosecutrix on 27.02.2018 before the Police Station- Kansabel, District Jashpur Nagar, alleging inter alia, that about 10-20 days ago, one Ashwani Gupta of Village Patthalgaon informed her on telephone that her 5-6 photographs are being used in facebook by making a fake ID in the name of Lija Minj and screen shot of her photo was sent in her Whatsapp. It is alleged further that after knowing the said fact, she ascertained the mobile number of the person, i.e. the respondent herein, who was utilizing the fake ID of her and, requested him on 21.02.2018 around 5.00 pm for deleting her photographs, who has deleted her photo from one ID only, but refused to delete from another, therefore, the alleged report was lodged and, based upon which, the respondent has been charge-sheeted with regard to the offence mentioned herein above.
- 3.** In order to establish the alleged allegations, the prosecutrix was examined as PW-1, but in her evidence, she has failed to identify the respondent and, that apart, it was stated further that she lodged the alleged report against an 'unknown person'. It appears further from her testimony that neither any photograph was seized from her, nor was she able to state that who has prepared the alleged fake profile of her. In view of such circumstances and in absence of any cogent and



2026:CGHC:11874

reliable evidence led by the prosecution attributing the respondent for the commission of the alleged offence, the trial Court has, therefore, not committed any illegality in acquitting him from the alleged charge.

4. The appeal, being devoid of merit is, accordingly, dismissed at the admission stage itself.

Sd/-
(Sanjay S. Agrawal)
JUDGE