

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.70 of 2014**

- Lagni Bai D/o.Ramdin @ Ramdhan Uraon, aged about 21 years, R/o Village Naktikhar, Mudhapar, Police Station Balco Nagar, Civil and Revenue District - Korba (C.G.).

---- Appellant**Versus**

- State of Chhattisgarh, through Station House Officer, Police of Police Station Balco Nagar, Korba, District – Korba (C.G.).
- Ramdayal Uraon S/o Sukrut Lal Uraon, aged about 25 years, R/o Naktikha, Mudhapar, Police Station Balco Nagar, District Korba (C.G.).

---- Respondents

For Appellant : Mr.Anil Gulati, Advocate.

For Respondent No.1/State : Mr.Sumit Jhanwar, Panel Lawyer.

Hon'ble Shri Justice T. P. Sharma
Hon'ble Shri Justice Inder Singh Uboweja

Order On Board**11/05/2015**

1. This is appeal under proviso to Section 372 of the Cr.P.C. against the judgment of acquittal dated 22.4.2013 passed by the Additional Sessions Judge, Korba, in S.T.No.92/2012, whereby the trial Court has acquitted respondent No.2 of the charges under Sections 376, 506 and 493 of the IPC.
2. We have heard learned counsel for the parties, perused the judgment impugned and record of the trial Court.
3. Learned counsel for the appellant submits that respondent No.2 has committed rape with the appellant, which has not been considered by the trial Court.
4. As per para 7 of evidence of the prosecutrix (PW-1), she was having love affairs with respondent No.2 since last two years. She was also having knowledge fact that both are members of same *gotra* and marriage between

them was not possible. This evidence by itself is sufficient to demolish the case of the prosecution; therefore, by acquitting respondent No.2 the trial Court has not committed any illegality warranting any interference.

5. Consequently, the acquittal appeal being devoid of merit is liable to be and is hereby dismissed.

JUDGE

JUDGE

B/-