

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 554 of 2015**

State of Chhattisgarh, Through Station House Officer, Police Station Purani Bhilai, Durg, District Durg, Chhattisgarh.

---- Appellant**Versus**

Sohan Yadav S/o Budhram Yadav, Age 20 years, R/o Behind Jaspal Leth, Bajrangpara, Bhilai-3, Purani Bhilai, District Durg Chhattisgarh.

---- Respondents

For Appellant/State : Shri B. Gopa Kumar, Deputy Advocate General

Hon'ble Shri Navin Sinha, Chief Justice
Hon'ble Shri P. Sam Koshy, J.

Judgment on Board**Per Navin Sinha, Chief Justice****16/07/2015**

1. IA No. 1 of 2015 has been filed to condone 58 days delay in preferring the appeal. Considering the duration, delay is condoned.
2. The present appeal assails acquittal of Respondent of the charges under Section 376(1) and 506 Part-II IPC.
3. Learned Counsel for the State submits that the victim was 17 years of age. The Respondent enticed the prosecutrix, established physical relations on the promise of marriage and subsequently retracted from the same. The Learned Trial Judge did not properly appreciate the fact that the prosecutrix, in good faith and blind trust surrendered to the Respondent. The acquittal therefore was unjustified as if the Respondent had not made the proposal for marriage, the prosecutrix would not have surrendered herself.
4. We have considered the submissions.
5. On 5.1.2012, the date of occurrence, age for consent was 16 years. The prosecutrix was 17 years of age. The physical relations between them continued for over two years when they met at the dance class. The Learned

Trial Judge has adequately discussed in paragraph 44 that the prosecutrix was well aware in the normal Indian conditions that because the two belonged to different religion, marriage was a distinct impossibility notwithstanding which the prosecutrix surrendered herself out of voluntary love to the Respondent unconcerned with the consequences.

6. We find no reason to differ with this very reasoned conclusion arrived at by the Learned Trial Judge.

7. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE