

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P No. 679 of 2015**

State Of Chhattisgarh through The Station House Officer, Police Station Jamul, District Durg Chhattisgarh.

---- Petitioner**Versus**

Chandan Patel, S/o Tejram Patel, aged About 23 Years, R/o Ward No. 17, Radhakishan Temple, Chawani, Police Station Jamul, District Durg Chhattisgarh.

----Respondent

For Petitioner/State:	Shri Ashish Shukla, Government Advocate.
For Respondent:	None.

Hon'ble The Chief Justice
Hon'ble Shri Justice P. Sam Koshy

Order On Board**Per Navin Sinha, Chief Justice****11/09/2015**

1. Leave is sought against acquittal of the Respondent under Sections 376, 493 IPC and under Sections 3(1)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 ordered on 8.5.2015 by the Special Judge, Durg in Sessions Case No.10/2014.

2. Learned Counsel for the State submits that the acquittal based on unexplained delay of 16 days in lodging the First Information Report was not justified as the Trial Judge did not appreciate that the prosecutrix had deposed that she had become scared, which was sufficient explanation in the nature of the allegations to explain the delay, which in any event, was not unreasonable. Acquittal was therefore not justified.

3. We have been taken through the judgment in detail. The prosecutrix was approximately 28-29 years of age. The Respondent was younger to her and 23 years of age. The prosecutrix was a Head Mistress in a School. The

Trial Judge has very lucidly discussed the evidence of the prosecutrix and by a detailed consideration of the evidence and other materials on record, arrived at the conclusion that it was a voluntary consensual physical relationship between two adults over a period of time and on each occasion, the prosecutrix had voluntarily surrendered herself knowingly without any fraud, allurements or deception by the Respondent.

4. We find no reason to interfere with what is otherwise a very well considered and reasoned judgment of acquittal.

5. The application for leave to appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE