

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Acquittal Appeal No.220 of 2015**

Smt. Gyanlata Singh, D/o Soman Singh Mahara, aged about 40 years,
R/o Jaitgiri, P.S. Nagarnaar, District Bastar, C.G., Civil and Revenue
District Bastar, Chhattisgarh

---- Appellant**versus**

1. Teekaram, S/o Kurso Ram Netam, aged about 24 years, R/o Barpaguda, P.S. Karpawand, District Bastar, Civil and Revenue District Bastar, Chhattisgarh
2. State of Chhattisgarh, through Aarakshi Kendra Karpawand, District Bastar, Chhattisgarh

---- Respondents

For Appellant	:	Shri Vikash Shrivastava, Advocate
For Respondent No.2/State	:	Ms. Smita Ghai, Panel Lawyer

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

Judgment on Board**Per Navin Sinha, Chief Justice****20/11/2015**

1. The present appeal assails acquittal of Respondent No.1 of the charge under Section 376(1) IPC by the Additional Sessions Judge (FTC), Bastar in Sessions Trial No.38 of 2014 dated 1.8.2014.
2. Learned Counsel for the Appellant submits that the parties were not married. The offence therefore stood completed and acquittal should not have been ordered. The Appellant established physical relations with Respondent No.1 on his promise to marry her and in absence of such promise, she would not have consented to the relationship. Respondent No.1 apparently from the very beginning had no intention to abide by the promise.

3. We have heard Learned Counsel for the State also.

4. According to the allegations, the Appellant was in a physical relationship with Respondent No.1 for long years from 2008 to 2012. But, the criminal prosecution was instituted by her in 2014. It is difficult to accept that she was misled by any false promise for all these long years as distinct from a physical relationship established on one or two occasions on basis of a false promise. Furthermore, the Appellant was nearly almost twice the age of the Respondent who was aged about 24 years which was the approximate age of the eldest son of the Appellant from her earlier marriage. She had not divorced her earlier husband and aware of the difficulty in solemnising a fresh marriage voluntarily established physical relations with Respondent No.1 of her own independent free will and volition as an adult aware of all its consequences.

5. We find no infirmity in the order of acquittal warranting interference.

6. The appeal is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE