

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Cr.M.P. No. 537 of 2015**

State Of Chhattisgarh Through The Station House Officer, Police
Station Malkharoda, District Janjgir-Champa C.G.

---- Petitioner**Versus**

Dr. R.L. Thakur, S/o Bhagataram, aged about 54 years, R/o Hospital
Colony, Sakti, P.S. Sakti, Distt. Janjgir-Champa CG

---- Respondent

For Petitioner/State:
For Respondent:

Shri B. Gopa Kumar, Dy. Advocate General.
None.

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

Order On Board**Per Navin Sinha, Chief Justice****15/07/2015**

1. The present petition challenges acquittal of the Respondent of the Charge under Sections 450, 376(1) and 313 IPC.
2. Learned Counsel for the Petitioner/State submits that the Respondent was the Block Medical Officer. The prosecutrix was a health worker. He dominated his official position to physically exploit her with threats to affect her service career. She had conceived from him on more than one occasion and he forced her to abort. The only reason she consented for the physical relation was his assurance to marry her which apparently, he never had the intention to do right from the inception, apparent from his conduct in its entirety.
3. We have considered the submission and find no merit in this petition challenging the acquittal.
4. The trial Judge has noticed that the complaint itself was filed by the prosecutrix nearly three years later. The Respondent did not possess any

administrative control over her. Despite claiming that she had conceived from him on several occasions and the Respondent had forced her to abort the foetus, no evidence had been led in support of the same. She never complained to any of her family members or colleagues for three long years till she lodged the present complaint. Even in her police statement, she did not make any such disclosures and stated it for the first time in the Court. The complaint appears to have been triggered when the Respondent allegedly started to avoid her company. Last but not the least, the prosecutrix had acknowledged that earlier she had lodged similar complaints against Uma Shanker @ Tarun Patel and Kuldeep Sahu also in the Baradwar Police Station with regard to the same period as alleged against the Respondent and also reiterating similar allegations with regard to Uma Shanker @ Tarun Patel and Kuldeep Sahu in lieu of the physical relations with her had also promised to marry her.

5. We do not find any reason to interfere with the acquittal of the Respondent ordered after proper appreciation of the evidence.

6. The Cr.M.P is dismissed.

Sd/-
(Navin Sinha)
CHIEF JUSTICE

Sd/-
(P. Sam Koshy)
JUDGE