

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 779 of 2016

- State Of Chhattisgarh Through Station House Officer, Police Station - Kotwali, Korba, District - Korba Chhattisgarh

---- Petitioner

Versus

- Dharam Lal Dewangan S/o Shri Sonau Ram Dewangan, Aged About 30 Years, R/o Kashinagar Korba, Police Outpost Rampur, Police Station Kotwali, District - Korba Chhattisgarh

---- Respondent

For Applicant/State

Shri Vivek Sharma, Government Advocate

Hon'ble Shri Justice Pritinker Diwaker
Hon'ble Shri Justice Chandra Bhushan Bajpai

Order On Board

07/10/2016

1. After hearing learned State counsel, we are convinced that the delay in filing the appeal has been properly explained. Accordingly, I. A. No.1/2016, application for condonation of delay of 425 days in filing the Cr.M.P. is allowed and the delay is condoned.
2. Heard learned State counsel on the question of leave to appeal.
3. Bare perusal of the impugned judgment would indicate that on the date of incident, the prosecutrix was more than 18 years of age. As per her own statement, she was living with the accused as his wife pursuant to an agreement executed between them on

05.06.2008 (Exhibit-P-10). Another agreement was executed between the parties, which is not exhibited and thereafter the prosecutrix sought to withdraw the complaint made against the accused by document (Exhibit-P-11).

4. It appears, the report was lodged when the accused got married with another lady. On further reading of the deposition of the prosecutrix, it falls short of making an allegation of commission of forcible sexual intercourse.
5. After examining the record, we do not find the present to be a fit case for granting leave to appeal. Accordingly, the prayer for granting leave to appeal is rejected.
6. The Cr.M.P. is dismissed.

Sd/-

Judge
Prashant Kumar Mishra

Sd/-

Judge
Chandra Bhushan Bajpai

Nirala