

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CR.M.P. No. 750 of 2017

Rahul Dev, S/o. Vijay Singh, Aged About 28 Years, R/o Village Naroli, Kachhipara, Police Station -Rudawal, District -Bharatpur (Rajasthan).

---- Petitioner

Versus

1. State Of Chhattisgarh, Through : The Station House Officer, Police Station Basantpur, District -Balrampur -Ramanujganj, Chhattisgarh.
2. Ku. Durga Kushwaha, D/o. Shri Ramsakal Kushwaha, Aged About 23 Years, R/o. Village Wadrafnagar, Police Station -Basantpur, District Balrampur- Ramanujganj, Chhattisgarh.

-----Respondents

For Petitioner : Mr. Purnendra Khichariya, Advocate

For Respondent No.1/State : Mr. Neeraj Sharma, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

28/07/2017

Heard.

1. Counsel for the petitioner submits that petitioner has been falsely implicated in the prosecution case for the offence U/s. 376 of Indian Penal Code. It is submitted that petitioner and prosecutrix had love affair and prosecutrix is a major girl and they had physical relationship and due to some misunderstanding between them, a report was lodged by the prosecutrix in Police Station Wadrafnagar, District – Balrampur on account of which, charge sheet has been filed and trial is proceeding against the petitioner. It is further submitted that statement of the complainant/prosecutrix in this case has been recorded before the Court below and she has been declared hostile and she has clearly

stated that she is living with petitioner/accused as his wife. Hence prayed that inherent power be exercised.

2. Counsel for the State opposed the petition and argument submitted for admission.
3. The case of the petitioner has already been investigated, instituted and presently subject to trial before the trial Court. Opportunities are available to the petitioner to dispute the case of the prosecution before the trial Court. Hence for these reason, it is not a fit case to be admitted. Accordingly, this petition is dismissed.
4. At the request of the petitioner, the trial Court is directed to conclude the trial expeditiously as possible preferably within a period of six months.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram