

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1 of 2018

- State Of Chhattisgarh Through Police Station Durgkondal, District North Bastar Kanker Chhattisgarh, Chhattisgarh

---- Petitioner

Versus

- Dinesh Kumar Nareti S/o Thakur Ram Nareti Aged 21 Years R/o Dangra, Police Station Durgkondal, District North Bastar Kanker Chhattisgarh , Chhattisgarh

---- Respondent

For Petitioner/State Mr. Satish Gupta, Government Advocate

DB.: Hon'ble Mr. Justice Prashant Kumar Mishra &

Hon'ble Mr. Justice Ram Prasanna Sharma

Order On Board By

Prashant Kumar Mishra, J.

7/2/2018

1. Heard.
2. The State has preferred this application for grant of leave to appeal challenging the acquittal of the respondent of the charges under Sections 450, 376(1) and 506 (Part-2) of IPC.
3. The trial Court has passed the impugned judgment of acquittal on the finding that the prosecutrix being 25 years of age appears to be a consenting party, therefore, the sexual

intercourse between them was consensual, which does not amount to rape.

4. We have seen the material available on record particularly the deposition of the prosecutrix.
5. The deposition alone is sufficient to conclude that the prosecutrix was a consenting party to the whole incident for the reason that the prosecutrix's case itself narrates that when the accused and the prosecutrix were in the midst of their sexual intercourse, the husband of the prosecutrix arrived, knocked the door and entered the room, on which, the accused ran away. The prosecutrix was given 2-3 slaps by her husband and thereafter, the prosecutrix complained to her husband that she has been subjected to forcible sexual intercourse.
6. Having seen the deposition, we are not in a position to take any different view or conclude otherwise than what has been found by the trial Court. The prosecutrix apparently appears to be involved in consensual sex. Therefore, the judgment of acquittal is proper and lawful.
7. The CRMP has no substance, it deserves to be and is hereby dismissed.

Sd/-

Judge

(Prashant Kumar Mishra)

Sd/-

Judge

(Ram Prasanna Sharma)