

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 773 of 2017

- State Of Chhattisgarh, Through Station House Officer, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

- Tarun Verma, S/o Mansukh Verma, Aged About 23 Years, R/o Village Gatapaarkala, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant

Shri Rajendra Tripathi, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra

09/09/2019

1. The Trial Court has acquitted the accused of the charges under Section 376 (1) of IPC.
2. The prosecutrix was more than 18 years of age on the date of incident. In the FIR, she informed the Police that the accused committed forcible sexual intercourse on promise to marry. However, in her court statement, she alleged that the accused used to travel with her in the bus in which she used to go to college and on one day when she missed the bus, the accused persuaded her to move on foot and suddenly he caught hold of her and committed forcible sexual intercourse and thereafter he continued to have relation with her. After 2-4 months, she went

along with the accused to his house where they stayed together for about one month. Thus, there is considerable delay in lodging the FIR after the first incident and moreover the prosecutrix would state two different stories in the FIR and in her court statement.

3. Considering the prosecutrix's stay with the accused for considerably long period of time and her age of more than 18 years, we are not inclined to grant leave to appeal against acquittal.
4. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala