

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No.196 of 2019

- State Of Chhattisgarh, Through The Incharge- Police Station- Kharsia, District- Raigarh, Chhattisgarh

---- Petitioner

Versus

- Vijay Sidar, S/o Vishal Sidar, Aged About 22 Years, R/o Village- Chandan Talabpara Kharsia, Post- Kharsia, District- Raigarh, Chhattisgarh

---- Respondent

For Applicant
For Respondent

Shri Vikas Shrivastava, PL
Shri M. K. Jaiswal, Advocate

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

28/08/2019

1. The Trial Court has acquitted the accused of the charges under Sections 363, 366, 376 (2) (Da), 294, 506 & 324 of IPC and Section 4 of POCSO Act, 2012.
2. This acquittal appeal was admitted for hearing and the accused was noticed. He appeared before us on 15.07.2019 with his counsel Shri M. K. Jaiswal and informed that he has already married the prosecutrix. On the said statement, we had directed the concerned SHO to submit a report after recording statement of the prosecutrix and her parents. The report sent by the concerned SHO is available. It is reflected from the statements of the prosecutrix, her mother Urmila Yadav and father Shyam Lal

Yadav and the mother of the accused namely Samund Kanwar that the accused has married with the prosecutrix and both are residing together.

3. Considering the fact that the parties belong to the Tribal Community and the accused has committed the offence in technical sense for the reason that the prosecutrix was found to be less than 18 years of age on the date of incident, we feel that the present is not a case where the accused is required to be convicted for committing forcible sexual intercourse. Had the accused not performed marriage after sexually exploiting the prosecutrix who was less than 18 years of age, things would have been different, but once the marriage has been solemnized and both the families have accepted them properly, there is no point in taking a different view of the matter.
4. In view of the above, the acquittal appeal deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala