

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 891 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station Chando, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

1. Boklo Kanwar, S/o Bhukhan Kanwar, Aged About 35 Years, R/o Village Khajuriyadih, Police Station Chando, District- Balrampur-Ramanujganj, Chhattisgarh
2. Mulayam Painkra, S/o Shivnarayan Painkra, Aged About 24 Years, R/o Village Khajuriyadih, Police Station Chando, District- Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Applicant

Shri S. K. Mishra, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mr. Gautam Chourdiya

Order On Board

03/07/2019

1. On due consideration, IA No.1/2019, application for condonation of delay in filing the application seeking leave to appeal, is allowed and the delay of 85 days in filing the application is condoned.
2. Heard learned State counsel on admission.
3. The Trial Court has acquitted the accused from the charges under Sections 366, 342, 506-B and 376 of IPC.
4. The prosecutrix is a divorced lady, aged about 36 years. She had

moved along with the accused to different places and stayed with him for number of days. She has been examined before the Trial Court as PW-1. Perusal of her statement would clearly indicate that at no point of time, she ever raised any protest against the advantages made by the accused nor she informed to any other person that she has been abducted and subjected to forcible sexual intercourse, although she admits to have met several persons when they were moving together and further that at many places she was left alone for sometime by the accused but yet she did not escape from his captivity nor protested.

5. The Trial Court has rightly acquitted the accused.
6. No case for grant of leave to appeal is made out. Accordingly, the CRMP is dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge

Nirala