

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 853 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station- Kusmi, District- Balrampur-Rajanujganj, Chhattisgarh.

---- Petitioner

Versus

- Vikas Chandra Ekka S/o Narendra Ekka, Aged about 28 Years R/o Village Kanjiyapara, Police Station Kusmi, District- Balrampur-Ramanujganj, Chhattisgarh. **--- Respondent**

For the Applicant :- Mr. Suryakant Mishra, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.

16.07.2019

Heard

Delay condoned.

From the evidence of the prosecutrix (PW-1) it emerges that she was being subjected to sexual intercourse by the respondent/accused since 14 years prior to the date on which the FIR was lodged i.e. 30.05.2017 that too without any resistance on her part. Looking to this long standing and unresisted physical relationship between the prosecutrix and the accused, learned Court below gave benefit of doubt and acquitted him of the charge levelled against him. Even the factum of prosecutrix having been subjected to sexual intercourse before attaining majority becomes doubtful. Keeping in mind the totality of the evidence on record, learned Court below has passed a well reasoned judgment

acquitting the respondent/accused and being so the same does not require any interference by this Court. Accordingly, the leave sought for by the State to appeal against the judgment of acquittal is hereby refused and the petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay