

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1047 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station Gourella, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- Yashik Markam, S/o Karan Singh, Aged About 27 Years, R/o Village Bhojpuri, Police Station Hirri, Presently R/o Village Girwar, Police Station Gourella, District Bilaspur Chhattisgarh

---- Respondent

For Applicant

Shri Santosh Bharat, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mr. Gautam Chourdiya

Order On Board by Prashant Kumar Mishra

09/07/2019

1. The prosecutrix is a teacher, aged more than 18 years of age. When she had gone to fill up the form for recruitment of Patwari, she met the accused and thereafter they became acquainted and thick and started enjoying each other's company. During this interaction, the accused allegedly committed forcible sexual intercourse with the prosecutrix.
2. According to the prosecutrix, the accused promised her to marry but later on refused to marry. However, in para 27 of her deposition, she admits that she never liked the accused nor she ever wanted to marry him and that it was the accused who wanted to marry her. Thus, the prosecutrix was aware that she is

not going to marry the accused and yet she allowed the accused to have physical relation with her, therefore, considering her age, the Trial Court has rightly found the present to be a case of consensual relation.

3. 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