

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1043 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station- Baikunthpur, District- Korea, Chhattisgarh

---- Petitioner

Versus

1. Vijay Kumar, S/o Prabhu, Aged About 26 Years Caste- Bargaha,
2. Sunil Minj S/o Ramnarayan Minj Aged About 28 Years Caste- Uraon,
3. Umesh Kumar Minj S/o Dalsai Minj Aged About 23 Years Caste- Uraon,
4. Maheshwar Minj S/o Dhannukram Minj Aged About 26 Years Caste- Uraon,
5. Omkeshwar Minj @ Lala Bhaiya S/o Nandlal Minj Aged About 20 Years Caste- Uraon,
6. Soneshwar Minj S/o Dhannukram Minj Aged About 28 Years Caste- Uraon

All R/o Village Majbaudha, Bhandarpara, P.S. Baikunthpur, District Koriya (C.G.)

---- Respondents

For Applicant

Shri Rajesh Singh, Dy. GA

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mr. Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

09/07/2019

1. The Trial Court has acquitted the accused persons of the charges under Sections 376 (2) (G), 506 (Part II) read with Section 34 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. As per the prosecution case, the prosecutrix had gone to attend *Ravan Dahan* Programme on the occasion of Dussehara Festival where she met accused Vijay with whom she was travelling her own village and on the way the other accused persons met them and all of them have committed forcible sexual intercourse. The report was lodged on the next day, however, after the incident the prosecutrix reached the house of one Nandu at about 12/1 am but did not inform him about the incident. It is also admitted by the prosecutrix that house of Nandu is at a distance of 50-60 feet from the place of occurrence. She also admits that she quietly went asleep in the house of Nandu without even informing Nandu's wife about the incident. The prosecutrix is more than 18 years of age.
3. It is also to be seen that the prosecutrix complains of forcible sexual intercourse in an open field but yet she was not found to have sustained any external injuries. Similarly, she complains of forcible sexual intercourse by 6 accused, yet there was no injuries on her private parts. The Medical Officer (PW-8) Dr. Swati Bansariya could not accord any definite opinion about commission of recent sexual intercourse with the prosecutrix.
4. In view of the above evidence on record, the Trial Court has not committed any illegality or irregularity while acquitting the accused persons.
5. The CRMP seeking leave to appeal fails and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge