

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 927 of 2018**

- State Of Chhattisgarh Through- Police Station Raghunath Nagar, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- Rambilas Pando S/o Devram Pando Aged About 27 Years R/o- Village Karri, Police Outpost Balangi, Police Station Raghunathnagar, District- Balrampur, Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant :- Shri Suryakant Mishra, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board**By****Prashant Kumar Mishra, J****02/08/2019**

1. The applicant has not removed the default, however, we have heard learned counsel for the applicant on admission for the reason that record of the trial Court is available.

2. The trial Court has acquitted the accused of the charges under Sections 376 and 506-B of I.P.C.
3. The prosecutrix is a married lady aged about 22 years at the time of incident. She was allegedly abducted by the accused at about 2 a.m. on the date of incident and thereafter they stayed in a nearby forest for about 5 days. She was also taken to maternal uncle's house of the accused. At both the places, the accused allegedly committed sexual intercourse with the prosecutrix.
4. Mere fact that the prosecutrix eloped with the accused at about 2 a.m. in the midnight without offering any resistance and thereafter stayed with him in the forest for about 5 days and thereafter at his maternal uncle's house, it appears that finding recorded by the trial Court that the prosecutrix was a consenting party does not appears to be perverse. No case for grant of leave to appeal is made out.
5. In view of the above, the CrMP deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge