

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1304 of 2019**

- State Of Chhattisgarh Through District- Magistrate, Jagdalpur, District- Bastar, Chhattisgarh.

---- Petitioner

Versus

- Pramod Das @ Appu S/o Jaitram Aged About 26 Years Caste- Mahra Isai Backword Community, Occupation- Unemployed, R/o Village- Kasturi, Gadbaguda Para, Police Station- Nagarnar, District- Bastar, Chhattisgarh.

---- Respondent

For PetitionerMr. Santosh Bharat, Panel Lawyer

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya**

Order On Board By Prashant Kumar Mishra, J.**24/7/2019**

1. Heard on IA No.1, an application for condonation of delay of 542 days in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Sections 450, 376, 506 of IPC and Section (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989.

5. The prosecutrix is a married lady aged about 19 years. Bare perusal of her statement in the cross-examination from para 11 to 21 would reveal that the act of sexual intercourse went on for more than half hour and during this time, the accused was sleeping beside the prosecutrix in her own house.
6. Considering the nature and quality of evidence, the trial Court's finding that the prosecutrix appears to be a consenting party, does not appear to be perverse.
7. No case for grant of leave is made out.
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge