

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1322 of 2019**

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

---- Petitioner

Versus

- Irshad Khan @ Ishu S/o Late Mustak Khan, Aged About 30 Years R/o.Khutanpara, Police Station Baikunthpur District Koriya Chhattisgarh

---- Respondent

For Petitioner/StateMs. Madhunisha Singh, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By****Prashant Kumar Mishra, J.****17/7/2019**

1. Heard on IA No.1, an application for condonation of delay of 33 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

Section 376(2)(N) of IPC and Section 3(2) (v) and 3(1) (W) (i) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. As per the statement of the prosecutrix, she had an affair with the accused from the year 2010 onwards and both of them were in physical relations from the year 2011 to 2016. The FIR was lodged when the accused refused to marry the prosecutrix and was otherwise torturing and creating nuisance whenever she used to commute from her house to the school, where she was working as Shikshakarmi.
6. Considering the nature of evidence and age of the prosecutrix, the trial Court has rightly acquitted the accused.
7. No case for grant of leave to appeal is made out.
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Gautam Chourdiya)

Judge