

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1312 of 2019

- State Of Chhattisgarh Through Station House Officer, Police Station AJK Jagdalpur, District Bastar Chhattisgarh

---- Petitioner

Versus

- Sukhlal @ Bhima S/o Padlu, Caste Mahara Aged About 28 Years Occupation Labourer, R/o Village Koyanar, Panaragudapara, Police Station Parpa, District Bastar Chhattisgarh

---- Respondent

For PetitionerMr. Neeraj Mehta, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board By****Prashant Kumar Mishra, J.****22/7/2019**

1. Heard on IA No.1, an application for condonation of delay of 74 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 376, 313 of IPC and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

5. The prosecutrix alleged commission of forcible sexual intercourse by the accused on promise to marry. However, in her deposition, she admitted that she was married earlier on two occasions and is not aware as to how 'Kumari' is mentioned against her name in the FIR.
6. The prosecutrix appears to be a consenting party, therefore, considering her age and for the fact that she was already married, the trial Court has rightly found the commission of forcible sexual intercourse on promise to marry, to be an afterthought.
7. Having seen the evidence available on record, we are not inclined to grant leave to appeal.
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge