

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1283 of 2019

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

---- Petitioner

Versus

1. Jitendra Singh, S/o Ramdas, Caste Gond, Aged About 27 Years, R/o Village Thakurhatthi, Police Station Sonhat District Koriya, Chhattisgarh
2. Smt. Ratrani, W/o Basant Singh, Aged About 36 Years, R/o Village Thakurhatthi, Police Station Sonhat, District Koriya, Chhattisgarh

---- Respondent

For Applicant

Shri Neeraj Mehta, PL

Hon'ble Justice Mr. Prashant Kumar Mishra

Hon'ble Justice Mr. Gautam Chourdiya

Order On Board by Prashant Kumar Mishra J.

24/07/2019

1. On due consideration, delay of 22 days in filing the CRMP is condoned. Accordingly, IA No.1/2019 is allowed.
2. The prosecutrix is a married lady, aged about 35 years. The FIR was lodged after one day when the accused did not turn up in the panchayat meeting. It appears, accused Ratrani was a friend/neighbour of the prosecutrix. It is she who called the prosecutrix to her house and when accused Jitendra reached to the house of Ratrani, she moved out of the house facilitating commission of sexual intercourse by the other accused. The

prosecutrix would narrate the details as to how the entire event of undressing and sexual intercourse unfolded and further that the entire act lasted for about half an hour. She did not offer any resistance during this entire period and moreover there is evidence that during the process of their sexual intercourse, her husband broke open the door of the room where the accused and the prosecutrix were in bed.

3. Considering the nature and quality of evidence on record, the Trial Court's finding that the prosecutrix was a consenting party does not appear to be perverse.
4. No case for grant of leave to appeal is made out. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala