

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1516 of 2019**

- State Of Chhattisgarh Through The Incharge Police Station Rudri District- Dhamtari, Chhattisgarh

---- Petitioner

Versus

- Rakesh Sahu S/o Late Sonuram Sahu Aged About 36 Years R/o Village Rudri, P.S. Rudri, District- Dhamtari, 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 184 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(2), 323, 506 & 417 of IPC.
5. The accused and the prosecutrix both had allegedly left their

respective spouses from their first marriage and started residing together after performing the marriage in '*Chudi*' form. It is the case of the prosecution that during their stay as husband and wife from July 2017 to December 2017, the accused was regularly committing sexual intercourse with the prosecutrix and when she became pregnant, he got the pregnancy aborted on the pretext that he is yet to divorce his first wife as proceeding for grant of divorce is pending in the Court. According to the prosecution, the accused runs a medicine shop, where-from, he brought some tablets and made the prosecutrix to consume the same, where-after, she aborted.

6. PW-3 Dr. Asha Tripathi has not found any evidence of recent miscarriage or abortion. Relation between the accused and the prosecutrix was that of husband and wife, as stated by the prosecutrix in her statement itself.
7. Therefore, no case for granting leave to appeal is made out
8. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Gautam Chourdiya)

Judge