

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 1603 of 2019

- State of Chhattisgarh Through The In charge, Police Station Sakti District Janjgir- Champa Chhattisgarh.

---- Applicant

Versus

- Hiralal S/o Shivprasad Aged About 30 Years R/o Village Bhaludera, Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant-StateShri Rajesh Singh, Dy. GA

Hon'ble Shri Prashant Kumar MishraHon'ble Shri Gautam Chourdiya, JJ.Order on BoardByPrashant Kumar Mishra, J10/07/2019

1. Heard learned State counsel on I.A. No.1 as also on admission.

I.A. No.1 of 2019

2. This is an application for condonation of delay in filing the application seeking leave to appeal.

3. On due consideration, the application is allowed and delay of 31 days in moving the application is condoned. Accordingly, I.A. No.1 stands allowed.
4. The accused was sent for trial for committing offence under Sections 376, 342 and 313 of IPC on the allegation that he committed forcible sexual intercourse with the prosecutrix on promise to marry and later on aborted fetus when the prosecutrix became pregnant.
5. Bare perusal of the deposition of the prosecutrix would reveal that she admits to have love affair with the accused who was her neighbour in the house of her maternal grandfather with whom she was residing after death of her husband. She further admits that she had consented to physical relation with the accused and he had never promised to marry her.
6. In view of the above evidence, the trial Court has rightly acquitted the accused. Accordingly, there is no substance in this application seeking leave to appeal, it fails and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge