

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 449 of 2019**

- Ku. Fuleshwari Sahu D/o Seuk Ram Sahu Aged About 21 Years, R/o Village - Dhaneli, Police Out Post - Chandanu, Police Station Nandghat, District Bemetara Chhattisgarh.

----Appellant**Versus**

1. Ashok Dewangan S/o Ramprasad @ Shyamlal Dewangan Sultan, Aged About 30 Years R/o Village Dhaneli, Police Out Post - Chandanu, Police Station Nandghat, District Bemetara Chhattisgarh.
2. State of Chhattisgarh, through Police Station Nandghat, District Bemetara Chhattisgarh.

---- Respondents

For Appellant	Shri Vipin Singh, Advocate.
For Respondent/State	Shri Suryakant Mishra, P.L.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Justice Prashant Kumar Mishra****01/07/2019**

1. Vide judgment dated 9.4.2019 passed in S.T.No.32/2017, the Additional Sessions Judge, Bemetara has acquitted the accused of the charges under Sections 450, 376 and 506 of IPC upon disbelieving the prosecutrix and holding that she appears to be a consenting party
2. The incident took place in between the period 01.08.2016 to 23.05.2017 for which the FIR was lodged by the prosecutrix at

the persuasion of her parents on 23.05.2017. There is evidence to the effect that prior to the incident after which the prosecutrix carried pregnancy, allegedly from the accused, she was subjected to sexual intercourse on a prior occasion also. She has also admitted that the FIR was lodged because she carried pregnancy and the accused refused to own her or the pregnancy. She would clearly admit that had she not carried pregnancy due to relationship with the accused, she would not have lodged report against him.

3. In the above set of evidence, age of the prosecutrix assumes significance, therefore, she being 20 years of age, having attained the age of consent, the attending circumstances would not disclose that the prosecutrix was subjected to forcible sexual intercourse. The Trial Court has not committed any error of jurisdiction nor the findings recorded by the Trial Court appear to be perverse.
4. In the result, there is no substance in this acquittal appeal, it fails and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge