

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1718 of 2019**

- State Of Chhattisgarh Through The Police Outpost Birejhar, Police Station Kurud, District - Dhamtari Chhattisgarh.

---- Petitioner**Versus**

- Sameer Giri Goswami S/o Mohan Giri Goswami Aged About 30 Years R/o Village Madheli, Outpost Birejhar, Police Station Kurud, District Dhamtari Chhattisgarh.

---- Respondent

For State :- Ms. Madhunisha Singh, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya, JJ.**

Order On Board**By****Prashant Kumar Mishra, J.****24/07/2019**

1. Heard.
2. On due consideration delay of 36 days in filing of instant CRMP is condoned. Accordingly, I.A. No. 01 of 2019, application for condonation of delay in filing instant CRMP is allowed.

3. The trial Court has acquitted the accused of the charges under Sections 376 (2) and 506 of I.P.C.
4. The prosecutrix is a married lady aged about 28 years. According to prosecution the accused was committing forcible sexual intercourse with the prosecutrix on promise to marry, however, there is evidence on record that the prosecutrix was in affair with the accused for about 4 years and during this period she has visited several places with the accused.
5. Considering the nature and quality of evidence on record, we are not inclined to grant leave to appeal.
6. In view of the above, the present CRMP, *sans substratum*, is liable to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi