

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1869 of 2019

- State Of Chhattisgarh Through The Police Station Samripath, District Balrampur-Ramanujganj, Chhattisgarh

---- Petitioner

Versus

- Pradeep Toppo, S/o Harun Toppo, Aged About 33 Years, R/o Village Gopatu, Police Station Samripath, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondents

For Applicant

Shri Rajendra Tripathi, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Prashant Kumar Mishra

13/08/2019

1. On due consideration, delay of 114 days in filing the CRMP is condoned. Accordingly, IA No.1 is allowed.
2. The Trial Court has acquitted the accused of the charges under Section 376 (2) (Dha) of IPC.
3. The prosecutrix was earlier married with one Sanjay Toppo, with whom she has two children, both baby girls, 7 and 4 years, respectively. For about 8-9 years prior to the date of FIR, she was having an affair and physical relation with the accused. There is no evidence that her earlier marriage was dissolved and the accused offered to marry her and committed sexual intercourse on promise to marry. The only evidence is of an affair and

consequent sexual relation.

4. Considering the nature and quality of evidence available on record, no case for grant of leave to appeal is made out.
5. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala