

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2060 of 2019**

- State Of Chhattisgarh Through Police Outpost Dudhawa, Police Station Narharpur, District Uttar Bastar Kanker, Chhattisgarh.

---- Petitioner**Versus**

- Dinesh Meshram S/o Krishna Kumar Meshram Aged About 30 Years R/o Village Mankeshari, Police Station Kanker, District Uttar Bastar Kanker, Chhattisgarh.

---- Respondent

For State :- Shri Rajendra Tripathi, PL

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

Order On Board**By****Prashant Kumar Mishra, J.****11/09/2019**

1. On due consideration delay of 94 days in filing of instant Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay occurred in filing the Cr.M.P. is allowed.

2. The trial Court has acquitted the accused of the charges under Sections 376(2)(b) and 506 Part-II of the I.P.C.
3. Prosecutrix examined as PW-2 is a married lady aged about 40 years. The accused was working as a laborer in the house of the prosecutrix and started subjecting her to forcible sexual intercourse. As per the prosecutrix, he performed sexual intercourse twice in the same night in the first occasion and thereafter she was regularly subjected to sexual intercourse before the matter was reported after three months from the date of first incident. While the prosecutrix would state that she informed about the incident to her husband PW-3 Genduram Mandavi and her son PW-4 Durgesh Kumar Mandavi after about 3 months but Durgesh Kumar Mandavi says that she informed about the incident immediately. He does not speak about information to his father Genduram. Genduram would himself state that he was not informed about the incident immediately but later he and his son both were informed about the incident.
4. Prosecutrix's stepson PW-1 Bhupeshwar Mandavi has not made any statement about commission of rape in his examination-in-chief, he has been declared hostile. In cross-examination he admits that accused and her step-mother were in contact over mobile phone and he get to know subsequently that accused was having illicit relation

with his step-mother on extending threat.

5. Considering the entire evidence, it appears that trial Court's finding of consent is borne out from the record and the same is not a perverse finding.

6. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi