

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2155 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station - City Kotwali, District - Dhamtari Chhattisgarh

---- Applicant

Versus

- Indrakumar Sahu S/o. Late. Kejauram Sahu Aged About 45 Years R/o. Nimora, Police Station Rakhi, District - Dhamtari Chhattisgarh

---- Respondent

For Applicant-State :- Shri Chitendra Singh, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya

Order On Board**By****Prashant Kumar Mishra, J.****25/09/2019**

1. On due consideration delay of 40 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019 which is an application for condonation of delay occurred in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 376 and 506 Part-II of I.P.C.

3. The prosecutrix is a married lady aged about 34 years. She has one daughter aged about 11 years at the time when she first happen to meet the accused in the year 2015.
4. On accused's persuasion, prosecutrix left the job at her own company and joined the company in which the accused was working. Since thereafter, both of them were into extra marital affair which led to her separation from her husband and she started residing at Gokulpur, Nayapara.
5. On 14.02.2015 she was subjected to sexual intercourse and thereafter the relationship continued. It went to the extent that the prosecutrix used to introduce the accused as her husband. Apart from admitting the above facts, she also admits that the accused used to reside with her for 3-4 days at regular interval and that she has never complained to the Police or to any other authority about their relation.
6. Considering the nature of evidence and the conduct of the prosecutrix, the judgment of acquittal appears to be proper and justified.
7. 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