

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2184 of 2019**

- State of Chhattisgarh, Through Iis Station House Officer, Police Station Thankhamhariya, District Bemetara Chhattisgarh.

---- Petitioner**Versus**

- Ramjharokha Patel @ Sonu S/o Krishna Patel, aged about 32 Years, Resident of Village Bamhani, Police Station Thankhamhariya, District Bemetara Chhattisgarh.

---- Respondent

For Petitioner	Shri Vikash Shrivastava, P.L.
For Respondent	None.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order on Board by Shri Prashant Kumar Mishra J.****30/09/2019**

1. Heard on I.A. No.1 of 2019.
2. This is an application for condonation of delay in filing the Cr.M.P.
3. On due consideration, delay of 86 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No.1 of 2019 is allowed.
4. The trial Court has acquitted the accused/respondent of the charge under Section 376 of IPC vide judgment dated 19.03.2019 passed by the Additional Sessions Judge, Bemetara, District Bemetara, C.G. in ST No. 07/2018.
5. The prosecutrix, aged about 24 years, would depose that she was in love with the accused and had maintained physical relation from August, 2013 to November, 2016 as the accused had promised to

marry her. From her statement, it appears that she got pregnant and delivered a baby girl. According to her statement, she was not aware that the accused is a married person. However, she insisted for marriage despite knowing that the accused is already married. In view of the statement made in the cross-examination, it would clearly appear that she not only knew that the accused was married but was also aware of the fact that his wife is named Sunita and he has children out of his marriage.

6. Considering the nature and quality of evidence available on record, we are not inclined to allow the application for leave to appeal.
7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge