

NAFR

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 2207 of 2019

- State of Chhattisgarh Through The Police Station Shankargarh, District- Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

- Sidhan Prajapati S/o. Ruiya Prajapati Aged About 30 Years Occupation Farmer, Caste Kumhar, R/o. Village Jamhor, Police Station - Shankargarh, District Balrampur-Ramanujganj Chhattisgarh.

---- Respondent

For Applicant-State :- Ms Madhunisha Singh, PL.

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

14/10/2019

1. Heard.
2. On due consideration, delay of 90 days in filing the present Cr.M.P. is condoned. Accordingly, I. A. No.1 is allowed.
3. The trial Court has acquitted the accused of the charges under Sections 376 and 450 of the IPC.

4. The prosecutrix, a married lady aged about 22 years, was subjected to forcible sexual intercourse at about 9:00 pm on the date of incident i.e. 23rd May, 2015.
5. From her statement it appears that she did not raise any resistance or protest at the time of sexual intercourse. She admits that there are houses of other villagers adjoining to her house and if alarm is raised the neighbors can hear.
6. It appears, her husband reached when the accused was moving out of the house after committing forcible sexual intercourse. Despite this the prosecutrix did not immediately inform about the incident to her husband but chose to disclose the same on the next morning.
7. The learned Trial Court has rightly held that the prosecutrix appears to be a consenting party.
8. No case for grant of leave to appeal against the acquittal is made out.
9. Accordingly, Cr.M.P. deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge