

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2316 of 2019**

- State Of Chhattisgarh Through Police Station Dongarhgarh, District Rajnandgaon, Chhattisgarh

---- Petitioner**Versus**

- Sanju @ Sanjay Salokar S/o Shri Dadarao Aged About 38 Years Resident Of Thethwar Para, Police Station Dongarhgarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Petitioner/State	Mr. Chitrendra Singh, Panel Lawyer
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DB: Hon'ble Mr. Justice Prashant Kumar Mishra &**Hon'ble Mr. Justice Gautam Chourdiya****Order On Board by Prashant Kumar Mishra, J.****5/11/2019**

1. Heard on IA No.1, an application for condonation of delay in filing the CRMP.
2. On due consideration, the application is allowed and the delay is condoned.

3. Also heard on admission.
4. The trial Court has acquitted the accused of the charges under Sections 450, 376, 493, 494 & 506 (2) of IPC.
5. Bare perusal of the statement of the prosecutrix, examined as PW-2, would reveal that she is a widow, aged about 41 years having 3 children from her marriage. The incident happened between 1st of June 2016 and August 2017, when the accused allegedly performed sexual intercourse against the prosecutrix on number of occasions on promise to marry and in the meanwhile, he married her in a local temple. The prosecutrix would state he she was not aware that the accused was earlier married, therefore, she believed his statement and promise that he would marry her and in that circumstance, she agreed to have relation with the accused. Significantly, the accused and the prosecutrix belong to the same township of Dongargarh. The prosecutrix admits that the wife of the accused belongs to her own *Mohalla*. She also admits that she did not inform about her relation with the accused to anybody on fear of being defamed. She further admits that when she had gone to the temple, where the accused applied vermilion over her forehead, she was not aware that the accused would be marrying her and further that they had gone to the temple only to finalise their relationship.
6. The entire evidence makes it clear that it is a case of consensual sexual intercourse with a widow aged about 41 years,

therefore, the trial Court has acquitted the accused of the charges.

7. No case for grant of leave to appeal is made out.
8. The CRMP deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge