

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2370 of 2019**

- The State Of Chhattisgarh Through District Magistrate District Surguja Chhattisgarh.

---- Petitioner**Versus**

- Ramsagar Singh S/o Late Khora Singh Aged About 30 Years R/o Village Navaparakhurd Police Station Darima, District Surguja Chhattisgarh

---- Respondent

For Petitioner/State

Mr. Pawan Kesharwani, Panel Lawyer

DB: Hon'ble Mr. Justice Prashant Kumar Mishra &

Hon'ble Mr. Justice Gautam Chourdiya

Order On Board by Prashant Kumar Mishra, J.

8/11/2019

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 convicted the accused for offence under Section 354 of IPC but has acquitted him of the charges under

Sections 376 and 506-B of IPC.

5. The present application for leave to appeal is preferred against the said acquittal.
6. Having seen the statement of the prosecutrix, examined as PW-2, it appears, the husband of the prosecutrix and the accused were friends, therefore, the accused used to frequently visit the house of the prosecutrix and in due course, their relationship became intimate and for this reason, there was a dispute between the husband of the prosecutrix and the accused.
7. The prosecutrix being a married lady, aged about 25 years and she being a consenting party, the trial Court's finding that offence under Section 376 of IPC is not made out, does not appear to be perverse.
8. No case for grant of leave to appeal is made out.
9. The CRMP deserves to be and is hereby dismissed.

Sd/-

(Prashant Kumar Mishra)
Judge

Sd/-

(Gautam Chourdiya)
Judge