

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Station House Officer, Police Station - Bango, District - Korba Chhattisgarh.

---- Applicant

Versus

1. Pintu Kumar @ Ashish Tanwar S/o Ramayan Singh Tanwar Aged About 23 Years R/o Matin, Police Station Bango, District - Korba Chhattisgarh.
2. Tuleshwar Rajwade @ Sonu, S/o Kamla Prasad Rajwade, Aged About 20 Years R/o Amatikara, Police Station Bango, District Korba Chhattisgarh.

For Applicant-State :- Shri Pawan Kesharwani, PL

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

Order On Board

By

Prashant Kumar Mishra, J.

18/11/2019

1. On due consideration delay of 144 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 instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused – Pintu Kumar @ Ashish

Tanwar of the charges under Sections 366, 376, 506 Part II of the I.P.C. and has acquitted the accused – Tuleshwar Rajwade @ Sonu of the charges under Sections 366, 506 Part-II of the I.P.C.

3. The prosecutrix was more than 18 years of age on the date of incident i.e., 09.02.2016. On this date the accused and the prosecutrix eloped and performed marriage at Madwarani Temple. Photograph of the said marriage is available in the record.
4. The accused and the prosecutrix thereafter boarded a train at Janjgir Champa Railway Station and reached Meerut and thereafter to Hapur where they started working in a company and stayed at Hapur till the last week of March, 2016.
5. Father of the prosecutrix reached Hapur and brought her back to the village where her recovery memo was prepared on 31.03.2016 and the FIR was lodged on the same day.
6. Having seen the entire deposition of the prosecutrix, it clearly appears that she stayed with the accused as his wife for more than 1 ½ months and yet did not protest or offered resistance. She being more than 18 years of age, the trial Court has rightly acquitted the accused persons of the charges. No case for grant of leave to appeal is made out.

7. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge