

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****CRMP No. 2469 of 2019**

- State Of Chhattisgarh Through Its Station House Officer, Police Station Sakti, District Janjgir Champa Chhattisgarh.

---- Petitioner**Versus**

- Purushottam Kurre S/o Mahadev Kurre Aged About 22 Years R/o Village Karkaar, Police Station Malkharouda, District Janjgir Champa Chhattisgarh

---- Respondent

For Petitioner/State

Mr. Avinash Choubey, Panel Lawyer

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

Order On Board by Prashant Kumar Mishra, J.**18/11/2019**

1. Heard on IA No.1, an application for condonation of delay in filing the appeal.
2. On due consideration, the application is allowed and the delay is condoned.
3. Also heard on admission.
4. The accused has been acquitted of the charges under Section 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 376(2)(N) of the IPC, by the trial Court.

5. The accused was sent for trial for committing forceful sexual intercourse against the prosecutrix on promise to marry. The accused and the prosecutrix belonged to the same community. Both their families are also known to each other. After brief friendship, the accused and the prosecutrix got engaged with the consent of their respective parents. In the meanwhile, their sexual relations continued, however, later, the accused got engaged to some other girl, therefore, the FIR was lodged on 26.4.2014 to the effect that the accused committed forcible sexual intercourse against the prosecutrix from June 2013 to September 2013 with promise to marry, but later on, he got engaged with some other girl.
6. The prosecution case itself would demonstrate that the prosecutrix was a consenting party to her relation with the accused and the sexual intercourse continued even after she turned 18.
7. Considering that the accused and the prosecutrix were engaged for marriage, but in the meanwhile, the accused got engaged to some other girl, the trial Court has rightly acquitted the accused of the charges.
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

