

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through The Police Station Bhakhara, District - Dhamtari Chhattisgarh.

Versus

- Respondent

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.

22/11/2019

1. On due consideration delay of 79 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2019, application for condonation of delay in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 450 and 376 (2) of the I.P.C.

3. The prosecutrix, a married lady aged about 30 years was subjected to sexual intercourse at about 9 a.m on 22.09.2018 and on number of occasions thereafter on different dates. In her deposition she admits that the accused again reached her house on the date of incident and performed sexual intercourse for the second time on the same day at about 11 a.m.
4. The FIR was lodged after about a month on 19.10.2018. One close relative of the prosecutrix – PW-6 Lokesh Kumar Sahu admits that when he came to know that the prosecutrix has an affair with the accused, she was confronted on which she admitted the relation.
5. In view of the evidence, it is a clear case of consensual relation between the prosecutrix and the accused.
6. She being a married lady aged about 30 years, the trial Court has rightly acquitted the accused. 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

Ayushi