

HIGH COURT OF CHHATTISGARH, BILASPUR

- The State Of Chhattisgarh Through - District Magistrate Balrampur- Ramanujganj Chhattisgarh

Versus

- Respondent

For Applicant-State :- Shri Chitendra Singh, PL

By

Prashant Kumar Mishra, J.

28/01/2020

1. On due consideration delay of 274 days occurred in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges

under Section 376(2)(ढ) of the I.P.C.

3. Prosecutrix aged about 17 years in July, 2012 was subjected to forcible sexual intercourse on promise to marry for a period up to 25.11.2014. At that point of time, the age of consent was 16 years. The deposition of the prosecutrix would reveal that the accused happens to be son of a family friend and as such they were acquainted with each other. She admits that after the first incident in July, 2012 she informed to her parents and the entire village was aware of their relationship. Although, she speaks of commission of forcible sexual intercourse on promise to marry but in paragraph 12 of her cross-examination she says that she was not willing to marry the accused. Thus, if she was not willing to marry the accused it was not possible for the accused to commit rape on promise to marry.
4. Considering the entire evidence on record, the present is not considered to be a fit case for grant of leave to appeal.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge