

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.299 of 2020

- State Of Chhattisgarh, Through Police Station Chalgali, Ramanujganj, District Balrampur-Ramanujganj, Chhattisgarh

---- Applicant

Versus

- Umesh Kumar Singh Alias Sonu, S/o Nepal Singh, Aged About 19 Years, R/o Dongri, Police Station Chalgali, District Balrampur-Ramanujganj, Chhattisgarh

---- Respondent

For Applicant

Shri Rajendra Tripathi, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Shri Prashant Kumar Mishra J.

03/02/2020

1. On due consideration, delay of 97 days in filing the CRMP is condoned. Accordingly, IA No.1/2020 is allowed.
2. The Trial Court has acquitted the accused of the charges under Section 376 of IPC.
3. The FIR was lodged on 25.05.2014 informing that the accused committed forcible sexual intercourse for a period of 4 years on promise to marry. At the time of commencement of their affair, the prosecutrix was about 16 years of age and on the date of FIR, she was more than 18 years of age. In her diary statement, she has not specifically alleged that the sexual intercourse was performed only on promise to marry. In the said statement, she

stated that after first meeting, they developed intimacy, but the sexual intercourse happened much thereafter. She did not lodge report immediately after the first incident nor insisted for marriage after the first intercourse. The prosecutrix and the accused are neighbors. For the proof of age, only *Dakhil Kharij* register has been filed without there being any other material in the nature of ossification test or birth certificate or *kotwari* register.

4. Considering that the prosecutrix was apparently a consenting party and the relationship continued for about 4 years, the present is not considered to be a fit case for grant of leave to appeal.
5. Accordingly, the CRMP deserves to be and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge