

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 416 of 2020

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

---- Petitioner

Versus

1. Lakhan Sahu S/o. Manikram Sahu Aged About 21 Years R/o. Village Kapalphodi, Police Station Magarload, District Dhamtari, Chhattisgarh.

---- Respondents

For Petitioner/State

Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Prashant Kumar Mishra, J.

Hon'ble Shri Gautam Chourdiya, J.

Order on Board

By

Prashant Kumar Mishra, J.

19-02-2020

I.A.No.1

1. This is an application for condonation of delay in filing the application.
2. For the reasons mentioned in the application, the delay of 32 days in filing the application is condoned.
3. Accordingly, I.A.No.1 stands disposed of.
4. Trial Court has acquitted the accused from the charge under Sections 376(2) and 506-B of the Indian Penal Code and Section 67A of the Information Technology Act.

5. Bare reading of the deposition of the prosecutrix would reveal that she admits of having sexual relation with the accused for about 7-8 times. She admits that one day prior to coming to Raipur she left the house by informing her mother that she is going to her friend's house whereas, in fact, she reached Raipur and thereafter went along with the accused. She being a major girl having attained the age of consent her act of not disclosing the first incident to her close relatives and continuing to maintain relationship is a definite proof of her consensual relation.
6. From the entire facts situation of the case and looking to the nature and quality of evidence available on record, it is manifest that present is not a fit case for grant of leave to appeal.
7. In the result, the application (CRMP), *sans* merit, is liable to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Gowri