

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Police Station Dabhara, District Janjgir Champa Chhattisgarh.

Versus

- Respondents

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Order On Board

Prashant Kumar Mishra, J.

1. On due consideration delay of 40 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, application for condonation of delay is allowed.
2. The trial Court has acquitted the accused – Ramwati of the charges under Sections 294, 306 or 306/34 of the I.P.C. while acquitted the accused – Rajendra Kumar of the charges under Section 06 of the Protection of Children from Sexual Offences Act, 2012 in alternative Section 376(1) of the I.P.C. and Section 306 in

alternative Section 306/34 of the I.P.C.

3. Accused – Rajendra Kumar was in love with the prosecutrix who committed suicide for the reason that parents of Rajendra were preparing to get him married to some other girl. It is also alleged that Rajendra's mother Ramwati had scolded the prosecutrix by saying that she is trying to win over her son by making him to stay over night at her (prosecutrix) residence. After this incident, the prosecutrix committed suicide.
4. In the entire prosecution evidence there is no material that accused – Rajendra Kumar committed forcible sexual intercourse with the prosecutrix on promise to marry. Merely because accused – Rajendra Kumar had an affair with the prosecutrix and she later on committed suicide, it cannot be presumed that he committed rape and abetted in commission of suicide. Having a love affair is not an offence by itself.
5. No case for grant of leave to appeal is made out.
6. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi