

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Police Station Chalgali, District Balrampur Ramanujanj, C.G.

- Ramsingh Khairwar, Aged About 45 Years R/o Village Gamhariya, Police Station Chalgali, District Balrampur Ramanujganj, Chhattisgarh.

For Applicant-State :- Shri K.K. Singh, G.A.

Prashant Kumar Mishra, J.

1. Since the record of the trial Court is available, we have heard learned State counsel on admission despite the fact that the matter is posted on office note.
2. The trial Court has acquitted the accused of the charges under Sections 450, 376 of the I.P.C.
3. The accused was sent for trial for committing forcible sexual

intercourse with the prosecutrix, a married lady aged about 25 years. Bare perusal of her deposition would reveal that at the time of incident she was sleeping with her brother-in-law aged about 14 years and her children and in-laws as well. She clearly admits that after she was undressed by the accused, he himself took about 7-10 minutes to undress himself and thereafter he performed sexual intercourse during which her children and thereafter mother-in-law awoke. She raised alarm only after her mother-in-law awoke.

4. Considering the statement of the prosecutrix, we are satisfied with the trial Court's finding that the sexual intercourse was consensual, which is borne out of evidence on record.
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