

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 819 of 2018

- State Of Chhattisgarh Through The Incharge Police Station
Parpa, District Bastar, Chhattisgarh

---- Petitioner

Versus

- Kamlesh Tiwari S/o Vedprakash Tiwari Aged About 27 Years
R/o Village Tokapal, Bazarpara, Police Station Parpa,
District Bastar, Chhattisgarh

---- Respondent

For Applicant-State :- Ms. Madhunisha Singh, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya**

Order On Board

By

Prashant Kumar Mishra, J.

06/01/2020

1. On due consideration delay of 63 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2018 application for condonation of delay occurred in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charge under Section 376 of the I.P.C.

3. Prosecutrix is aged about 25 years. It is revealed from her statement that the accused was in love with her and proposed to marry her. Thereafter, they performed marriage at Girola Temple and thereafter lived together for about 1 ½ months. During this period the prosecutrix did not complaint against the accused.
4. On 04.08.2016 accused lodged a report that the prosecutrix is threatening to involve him in false case if he does not arrange for Washing Machine, Almira, Scooty and Cash. She admits that dispute started after this report of the accused. She also admits that in his subsequent report accused informed the Police that she is demanding Rs. 6 Lacs from the parents of the accused.
5. In view of clear admission about an affair leading to marriage and dispute occurred thereafter concerning demand, the necessary ingredients of offence under Section 376 of I.P.C. is not made out.
6. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge