

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 869 of 2020**

- State Of Chhattisgarh Through Its Station House Officer, Police Station AJK, Ambikapur, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- Sushil Kumar Dwivedi @ Sachchu S/o Late Ram Milan Dwivedi, Aged About 30 Years, Resident Of Village- Bodari, Police Station Singhpur, District- Shahdol, (M.P.),

---- Respondent

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

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

Order On Board
By

Prashant Kumar Mishra, J.

13/07/2020

1. On due consideration delay of 239 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 of the charges under Sections 376(2)(f), 313, 506(Part-II), 379 of the I.P.C. and Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecutrix aged about 25 years at the time of offence (present age about 29 years) had an affair with the accused for a period of four years from December, 2014 to December, 2018. According to the FIR, the accused committed sexual intercourse on promise to marry but later on refused to marry her after knowing that she belongs to scheduled tribes category. Contrary to this, the prosecutrix would depose in her cross-examination that she was in love and she continues to love the accused. She would further admit that she herself abandoned the idea of marrying the accused when they sought legal opinion and found that their marriage is not possible in accordance with law. She also admits that her relationship with the accused was consensual and the accused never forced her to enter into physical relationship.
4. In the above circumstances, the trial Court has rightly concluded that the alleged offences are not proved against the accused. No case for grant of leave to appeal is made out.
5. In view of the above, the Cr.M.P deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge