

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Station House Officer, Police Station- AJAK, Ambikapur, District- Surguja, Chhattisgarh

Versus

- Respondent

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

Proceedings through Video Conferencing

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

Order On Board

By

Prashant Kumar Mishra, J.

16/07/2020

1. On due consideration delay of 119 days in filing of the instant Cr.M.P. is condoned. Accordingly, I.A.No. 01/2020, 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 charges under Sections 376(2)(ढ), 506(Part – II), 313 of the I.P.C. and Section

3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. Prosecutrix lodged FIR on 25.04.2016 alleging that when she was 15 years old in the year 2002, the accused committed forcible sexual intercourse on promise to marry and thereafter the relationship continue till 2016, however, the accused refused to keep her as his wife.
4. Bare perusal of her deposition would reveal that the prosecutrix lived with the accused for about 15-16 years as his wife and in the report also she referred father of the accused as father-in-law. Thus, there is delay of 14 years in lodging the FIR and moreover despite having attained majority she remained quiet for atleast 12-13 years. In para 11 of her deposition she admits that the accused was maintaining her till 2016 but thereafter refused to maintain her. It seems that dispute arose when the accused refused to maintain her. In view of the statement of the prosecutrix, the necessary ingredients constituting offence of rape is not established.
5. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. is dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge