

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 901 of 2020**

- State of Chhattisgarh, Through its Station House Officer, Police Station Dabhra, District- Janjgir Champa (C.G.).

---- appellant

Versus

- Virendra Singh Sidar; S/o Shiv Sidar, aged about 26 years, resident of village Kekarabhatha, Police Station Dabhra, District- Janjgir Champa (C.G.).

---- Respondent

For Appellant : Smt. Fouzia Mirza, Additional A. G.

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

15/07/2020

1. The matter is heard through Video Conferencing.
2. By the Judgment dated 12.02.2020, passed by Special Judge (POSCO Act) Sakti District- Janjgir-Champa (C.G.) in Special Case No. 41/2016, accused/respondent- Virendra Singh Sidar has been acquitted of the charge under Section 376 (1) of Indian Penal Code.
3. The accused allegedly abducted the prosecutrix, a married lady aged about 22 years on 16.07.2016 from the backyard of her house and kept her at Raigarh till 21.07.2016 and committed forcible sexual intercourse during this period.

4. The trial Court has acquitted the accused on the finding that the prosecutrix being a married lady appears to have entered into consensual sexual intercourse as she did not raise alarm nor protest at the time when the accused allegedly abducted her from her own backyard. Similarly, she did not protest nor disclose the offence to any person during the period i.e. 16th July to 21th July, 2016. The prosecution case that the accused committed rape on promise of marriage does not appear to be probable because the prosecutrix was already married.
5. Considering the nature and the quality of evidence adduced by the prosecution, the view taken by the trial Judge does not appear to be perverse, therefore, no case for grant of leave to appeal is made out. The Cr.M.P. deserves to be and is hereby dismissed.

Sd/-

Prashant Kumar Mishra
Judge

Sd/-

Gautam Chourdiya
Judge