

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 960 of 2020**

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

---- Applicant

Versus

- Narendra Rajwade S/o Sukhraj Rajwade, Aged About 29 Years R/o Village Tunguri, Police Station Darima, District Surguja Chhattisgarh

---- Respondent

For Applicant-State :- Ms. Fouzia Mirza, Addl.A.G.

Proceedings through Vidoe Conferencing

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

By**Prashant Kumar Mishra, J.****24/08/2020**

1. On due consideration delay of 434 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No. 01 of 2020, application for condonation of delay occurred in filing of the instant Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges

under Section 376(2)(b), 506 of the I.P.C. and Section 3(2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

3. The prosecutrix employed as Aganbadi worker aged about 35 years was allegedly subjected to forcible sexual intercourse twice at about 7:30 pm on 23.03.2016 when she had gone to attend the nature's call at the adjoining agricultural field. For this incident, the FIR was lodged on 01.04.2016. The prosecutrix did not reveal the incident to her husband or her mother-in-law despite all of them being present in the house on 23rd , 24th and 25th of March 2016. Thereafter she attended a training program at Ambikapur till 31.03.2016 and returned to the village on 01.04.2016 and lodged the FIR. The prosecutrix did not raise alarm nor protested when the accused subjected her to forcible sexual intercourse. She alleges that her underwear and petticoat were torn but this fact was also not disclosed to her husband, instead, she slept with her husband after changing the torn clothes. She did not receive any injury nor signs of struggle during the intercourse. The trial Court has doubted her statement also for the reason that despite there being availability of toilet in her house, she fail to explain as to why she moved out of her house to attend nature's call.
4. Having seen the evidence particularly statement of the

prosecutrix and delay of about 08 days in lodging the FIR also there being no satisfactory explanation, the trial Court has rightly acquitted the accused of the charges under Sections 376(2)(b), 506 of the I.P.C. and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

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