

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through The Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh.

Versus

1. Santosh Kumar @ Pintu S/o Chandradev Aged About 23 Years R/o Village Gondla, Police Station Basantpur , District Balrampur Ramanujganj Chhattisgarh.
2. Chandradev S/o Hanslal Aged About 42 Years R/o Village Gondla, Police Station Basantpur , District Balrampur Ramanujganj Chhattisgarh.

---- Respondents

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.

24/08/2020

1. On due consideration delay of 131 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 - Santosh Kumar @ Pintu of the charges under Sections 376(2) (ढ) ; 493 of the I.P.C. while acquitted the accused - Chandradev of the charges under Sections 376(2)(ढ) read with Section 109 and 493 read with 109 of the I.P.C.
3. Prosecutrix examined as PW-5, aged about 21 years was married with one – Panu Digambar on 21.04.2015. After living for about 7-8 months with him she left her marital house and started physical relation with present accused without obtaining divorce from her first husband. Later on accused and the prosecutrix married and stayed together as a married couple for about one year. Later on the accused allegedly expelled her from his house whereafter the present FIR was lodged.
4. The prosecutrix being previously married and aged about more than 18 years and she having again married with the accused, the trial Court has rightly found that offence under Section 376 of the I.P.C. is not made out.
5. No case for grant of leave to appeal is made out.
6. Accordingly, the instant Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge