

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 987 of 2020**

1. State of Chhattisgarh, Through Station House Officer, Police Station Kotwali, District Rajnandgaon (C.G.).

---- Petitioner**Versus**

1. Harprasad Verma S/o Barsan Verma, aged about 27 Years R/o Village Kathali, Police Station and Tahsil Dongargarh, District Rajnandgaon (C.G.)

---- Respondent

For Petitioner : Shri K.K. Singh, Government Advocate.

Hon'ble Shri Justice Prashant Kumar Mishra**Hon'ble Shri Justice Gautam Chourdiya****Order by Justice Prashant Kumar Mishra****25/08/2020**

- 1) The matter is heard through video conferencing.
- 2) Heard on I.A. No. 01/ 2020.
- 3) This is an application for condonation of delay in filing the Cr.M.P.
- 4) On due consideration, delay of 170 days in filing the present Cr.M.P. is condoned. Accordingly, I.A. No. 01/2020 is allowed.
- 5) The Trial Court has acquitted the accused/respondent of the charges under Sections 376(2) and 506(B) of IPC vide judgment dated 15/10/2019 passed by the learned Additional Sessions Judge (FTC) Rajnandgaon (C.G.) in Sessions Trial No. 88/2016.
- 6) The prosecutrix, aged about 28 years, was married with one Pitambar Sahu in the year 2012. However, she was in love with the accused from 2010 onwards. After her pregnancy in the year 2012 she was aborted and thereafter she did not return to her marital house. She started residing with the accused and they

performed marriage at a temple. They had been staying together as married couple since April 2016. She delivered a baby girl on 13/02/2017. Before this, accused got married to some other girl and refused to keep the prosecutrix as his wife which led to the present FIR. During cross examination she admits that she was residing with the accused out of her own free will and had entered into consensual intercourse as they were in love and later on married at a temple. In view of the state of evidence on record, no case for grant of leave to appeal is made out.

- 7) Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

**-Sd/-
(Prashant Kumar Mishra)
Judge**

**-Sd/-
(Gautam Chourdiya)
Judge**