

HIGH COURT OF CHHATTISGARH, BILASPUR

- State Of Chhattisgarh Through Police Station O.P.- Jaalbandha, Thana Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Applicant

- Gokul Verma S/o Shri Vikram Verma Aged About 25 Years R/o Village Saloni, Police Chowki Jaalbandha, Thana Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

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

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.

29/09/2020

1. Heard.
2. The trial Court has acquitted the accused of the charge under Sections 450, 376(2) of the I.P.C.; Section 3(2)(v) and 3(1)(द)(घ) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The prosecutrix aged about 23 years on the date of

recording of deposition i.e. on 03.01.2019 would state that on her birthday i.e., on 22.10.2017, accused came to her house and finding her alone wished her happy birthday and thereafter performed sexual intercourse which continued for about three years till the FIR was lodged. Before lodging of FIR, the prosecutrix stayed in the house of the accused for about two months but the accused has abused, assaulted and dragged her out of the house while refusing to marry her. Admittedly, prosecutrix was more than 18 years of age on the date first occurrence.

4. In view of the consensual relation and for the fact that promise to marry was made after the first intercourse and not before that as also for the reason that the prosecutrix continued to have relation with the accused for about three years prior to lodging of FIR, the trial Court has rightly acquitted the accused.
5. No case for grant of leave to appeal is made out. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge