

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1913 of 2018

- State Of Chhattisgarh, Through Police Station – Ajak, Durg, District- Durg, Chhattisgarh

---- Applicant

Versus

- Rajesh Kumar Gupta, S/o Gulab Chand Gupta, Aged About 29 Years, R/o Camp-1, Ambedkar Nagar, Gupchup Mohalla, Police Station- Chhawani, District- Durg, Chhattisgarh

---- Respondent

For Applicant

Shri K. K. Singh, GA

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board By Shri Prashant Kumar Mishra J.

04/03/2020

1. On due consideration, delay of 83 days in filing the CRMP is condoned. Accordingly, IA No.1/2020 is allowed.
2. The Trial Court has acquitted the accused of the charges under Section 376 of IPC and Sections 3 (2) (5) and 3 (1) (xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
3. The accused was employed in the Gurukul Marketing Company, Raipur. The prosecutrix applied for job in the said company, in which she was selected and started working therein. The accused impressed upon the prosecutrix by saying that it was he who has arranged employment for her. The prosecutrix thereafter

threw a dinner for the accused at a hotel at Bhilai on 16.12.2016. After having dinner, the prosecutrix fell dizzy and became sleepy. The accused thereafter committed forcible sexual intercourse. On 25.12.2016 also, they stayed at a different lodge and had sexual relation. From 10.01.2017 to 23.02.2017, they stayed together as husband and wife in a rented premises. She became aware on or about 16th or 18th January, 2017 that the accused is married, yet she continued to stay with the accused till 23.02.2017. She admits that the date on which the first incident happened, she herself ordered the food and had her meals with the accused at about 5:30 pm. Thus, the story that she fell dizzy and went sleepy after dinner is contradicted by her own statement. The prosecutrix appears to be a consenting party, therefore, she being more than 18 years of age, no case for grant of leave to appeal is made out.

4. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Nirala