

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2003 of 2018**

- The State Of Chhattisgarh Through Police Station Kharsia District Raigarh Chhattisgarh.

---- Applicant

Versus

- Darsu Kewant S/o Jhagoli Kewant Aged About 25 Years R/o Bade Deogaon Police Station Kharsia District Raigarh Chhattisgarh.

---- Respondent

For Applicant-State :- Shri K.K. Singh, G.A.

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya**

Order On Board**By****Prashant Kumar Mishra, J.****08/01/2020**

1. On due consideration delay of 17 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 of 2018 is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 376 (2) (ढ), 342 of I.P.C.
3. The prosecutrix, a major girl, was in love with the accused. Both of them went to Jammu (J & K) and stayed there for about 14 months while working at some construction site. When the

accused brought her back to her native village and pressurized her to bring groceries and threatened that he will perform another marriage, the present report was lodged.

4. Having seen the evidence, particularly, the statement of the prosecutrix, it appears that she had consented to the consensual relationship for a period of about 14 months and never objected to the sexual advances of the accused despite the fact that they were not married. It is not her case that despite her insistence, the accused refused to marry her. She admits that at the first instance they stayed at Jammu (J & K) for about 01 year and then came back to their native village to return together again to Jammu (J&K). Thus, if she was not treated well by the accused there was no reason for her to move along with accused and return to Jammu (J & K).
5. In view of the state of evidence on record, the trial Court's finding that the relationship was consensual, therefore, offence under Section 376 of I.P.C. is not made out does not appears to be perverse. 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