

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****ACQA No. 660 of 2019**

- Asha Singh D/o Late Bhagau Ram Suryawanshi, aged about 34 Years, R/o Village Mudapar, District- Korba, Chhattisgarh.

---Appellant**Versus**

1. State of Chhattisgarh, through District Magistrate Korba, District- Korba, Chhattisgarh.
2. Dheeraj Arya, S/o Late Sevakram Ajay, aged about 24 Years, R/o Bhadrapara Colony Janjgeer,

At Present Sichai Colony Rampur A-2, 19 Chowki Rampur
P.S. Kotwali, District- Korba, Chhattisgarh.

---- Respondents

For Appellant	Shri Akhand Pratap Pandey, Advocate.
For Respondent No.1/State	Shri Rajendra Tripathi, P.L.

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

Order on Board by Justice Prashant Kumar Mishra**15/01/2020**

1. This appeal is directed against the judgment dated 03.08.2019 passed by 2nd Additional Sessions Judge, District Korba, C.G. in Sessions Trial No.21/2018, acquitting respondent No.2/accused of the charge under Section 376 (2)(n) of IPC.
2. Prosecutrix is an employed lady, aged about 31 years. As

per her written complaint Ex.P-1, the accused was also working as AG-III in the office of Block Education Officer. She came in contact with the accused in the year 2013 and thereafter she received proposal for marriage through one Manoj Tamboli. Initially, she did not agree to the proposal but due to persuasion and repeated requests, she agreed for marriage. Thereafter, the accused committed sexual intercourse for the first time in August, 2014 which was subsequently continued on regular basis. The accused was having illicit relation with one Shabana and was defaming the prosecutrix and thereafter refused to marry her. Her earlier complaint to the police was not examined as the accused was resourceful and due to insistence by the accused, his friends and the police, she compromised but the accused kept on harassing and defaming her and again refused to marry. Therefore, action may be taken against the accused.

3. Contents of the FIR, her diary statement Ex.D-1 and her deposition would reveal that the prosecutrix being a grown up woman, aged about 31 years, continued to have sexual relation with the accused despite knowing that he is not marrying her. The FIR is delayed by at least 2 years inasmuch as the first refusal to marry was in 2015 but the written complaint was lodged on 25.11.2017. There is no

explanation for such enormous delay in lodging the FIR.

4. Having seen the evidence of the prosecutrix and other prosecution witnesses particularly PW-4 Ku. Mamta Singh, who happens to be the sister of the prosecutrix and PW-6 Shabana, we are not inclined to entertain this acquittal appeal.

5. Accordingly, the acquittal appeal fails and is hereby dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge

Akhilesh