

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No.820 of 2019

- Pyari Sahu, W/o Amar Singh Sahu, Aged About 33 Years, Resident of Village Akaltara, Bijradih, District Baloda Bazar, Bhatapara, Chhattisgarh

---- Appellant

Versus

1. Shekhuram Sahu, S/o Panchuram Sahu, Aged About 30 Years, Resident Of Village Akaltara, District Baloda Bazar Bhatapara, Chhattisgarh
2. State Of Chhattisgarh, Through Police Station Bhatapara (Gramin) District Baloda Bazar Bhatapara Chhattisgarh

---- Respondents

For Appellant
For Respondent-State

Shri A. P. Sharma, Advocate
Shri Aditya Sharma, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board By Shri Prashant Kumar Mishra J.

12/02/2020

1. The Trial Court has acquitted the accused respondent of the charges under Sections 450 and 376 of IPC.
2. The prosecutrix and the accused are next door neighbors. Both are married. Bare reading of prosecutrix's deposition would reveal that they had an affair for sometime and the accused committed forcible sexual intercourse for atleast 4 to 5 times before the present incident. She admits that she used to talk to the accused for half an hour to one hour over mobile and that the accused had her photographs in his mobile phone. On the date of

offence also, the other members of the family were present when the accused allegedly committed forcible sexual intercourse at about 10 pm.

3. Considering the fact that the prosecutrix is a married lady and there is apparent affair between her and the accused, the Trial Court's finding that the offence under Section 376 is not made out is one probable view in the matter.
4. No case for interference with the impugned judgment is made out.
5. Accordingly, the appeal is dismissed at the admission stage itself.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge