

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 213 of 2019

- State Of Chhattisgarh, Through The Station House Officer, Police Station- Bhakhara, District- Dhamtari, Chhattisgarh

---- Applicant

Versus

- Laxya Kumar Sahu, S/o Shri Brijlal Sahu, Aged About 49 Years, R/o Village - Amlidih, Police Station- Bhakhara, District- Dhamtari, Chhattisgarh

---- Respondent

For Applicant

Shri Pawan Kesharwani, PL

Hon'ble Justice Shri Prashant Kumar Mishra

Hon'ble Justice Shri Gautam Chourdiya

Order On Board by Shri Prashant Kumar Mishra J.

15/01/2020

1. On due consideration, delay of 68 days in filing the CRMP is condoned. Accordingly, IA No.1/2019 is allowed.
2. The Trial Court has acquitted the accused of the charges under Sections 376 and 506B of IPC.
3. The prosecutrix is the daughter-in-law of the accused. She lodged an FIR alleging that she was married with accused's son Umesh Sahu in 2014. Since she was not begetting child, her father-in-law committed sexual intercourse saying that he will beget child for her. The first incident happened on 20.04.2017. As per the prosecutrix, the accused thereafter committed forcible

sexual intercourse almost regularly.

4. Admittedly, FIR was not lodged for a considerable period of 8 months. The prosecutrix did not inform about the incident to her parents, PW-4 Bhagwati and PW-5 Phool Singh Sahu. She admits that when she was alone in the house, one Thanuram of her village visited her marital house and this was witnessed by the accused and thereafter an FIR was lodged by the accused against Thanuram. She further admits that after this FIR, she lodged a report against the accused for offence under Section 498-A of IPC.
5. Considering the relation between the prosecutrix and the members of his marital house, the possibility of false implication cannot be ruled out, more so when the FIR is delayed by about 8 months.
6. The view taken by the Trial Court is one possible view considering the state of evidence on record. Therefore, no case for grant of leave to appeal is made out.
7. Accordingly, the CRMP is dismissed.

Sd/-
Prashant Kumar Mishra
Judge

Sd/-
Gautam Chourdiya
Judge