

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 2756 of 2019**

- State Of Chhattisgarh Through Station House Officer, Police Station Rajim District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- Bhanu @ Chandrabhan S/o Itwari Banjare Aged About 19 Years R/o Village Pitaiband, Thana Rajim, District Gariyaband (M.S.)

---- Respondent

For Applicant-State :- Shri Rajendra Tripathi, PL

Hon'ble Shri Justice Prashant Kumar Mishra
Hon'ble Shri Justice Gautam Chourdiya
Order On Board

By**Prashant Kumar Mishra, J.****05/02/2020**

1. On due consideration delay of 95 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2019, application for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 363, 366, 376(2)(ढ) of the I.P.C. read with Section 6 of the Protection of Children from Sexual Offences

Act, 2012.

3. Evidence available on record would establish that the prosecutrix had an affair with the accused since 2014 and they eloped for performing marriage and stayed together at different places for about a month. She admits that despite her engagement with some other boy she continued to speak to the accused over mobile as she was in love with him. She also admits that she entered in consensual sexual relation with the accused and further that their marriage did not materialize because they belong to different caste. She also states that she does not want the accused to be prosecuted and convicted.
4. In view of the above discussed evidence, no case for grant of leave to appeal is made out.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge

Ayushi