

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2766 of 2019

- Applicant

- Purushottam @ Raju Kumar Kesharwani S/o Shiv Kumar Kesharwani Aged About 27 Years R/o Village Bhoghapara, Police Station - Shivrinarayan, District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant-State :- Mr. Pawan Kesharwani, PL

Hon'ble Shri Prashant Kumar Mishra

Hon'ble Shri Gautam Chourdiya, JJ.

Order on Board

By

Prashant Kumar Mishra, J

06/01/2020

1. Heard.
2. On due consideration, delay of 183 days in filing the CRMP is condoned. Accordingly, I.A. No.01 of 2019 is allowed.
3. The trial Court has acquitted the accused of the charges under Section 376 (2)(n) of the IPC.

4. The prosecutrix, a grown up woman aged about 33 years, was engaged in selling vegetables. The accused being in the same vocation became acquainted with the prosecutrix and thereafter he allegedly committed forcible sexual intercourse regularly on pretext of marriage. There is no evidence that when the relationship started at the inception there was any promise to marry. The sexual relation continued for about 5 years as has been admitted by the prosecutrix at Para 6 of her deposition.
5. Considering the statement of the prosecutrix, it appears there was no promise to marry by the accused at the inception. Although she wanted to marry with the accused but in the absence of promise at the inception by the accused the trial Court has rightly acquitted the accused.
6. No case for grant of leave to appeal against the acquittal is made out. Accordingly, CRMP deserves to be and is hereby dismissed.

Sd/-
(Prashant Kumar Mishra)
Judge

Sd/-
(Gautam Chourdiya)
Judge

Ankit