

**HIGH COURT OF CHHATTISGARH, BILASPUR**

- State Of Chhattisgarh Through Police Station Jaijaipur, District Janjgir Champa Chhattisgarh.

## Versus

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For Applicant-State :- Shri K.K. Singh, G.A.

By

**Prashant Kumar Mishra, J.**

**28/01/2020**

1. On due consideration delay of 100 days occurred in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01/2020, for condonation of delay is allowed.
2. The trial Court has acquitted the accused of the charges under Sections 376 and 506 Part-II of the I.P.C.

3. Prosecutrix aged about 35 years was working as a Peon in the same school where accused was a teacher. On 17.12.2017, the prosecutrix had gone to the school. When she was returning, the accused called her to his house and committed forcible sexual intercourse. At this point of time her husband saw her bicycle parked near the house of the accused. He entered the house of the accused and found them in compromising position.
4. Considering the fact that the FIR was delayed by about 03 days and there is no satisfactory explanation for the delay and otherwise it appears to be the case of consent, we are not inclined to grant leave to appeal against acquittal.
5. Accordingly, the Cr.M.P deserves to be and is hereby dismissed.

SD/-  
(Prashant Kumar Mishra)  
Judge

SD/-  
(Gautam Chourdiya)  
Judge

Ayushi