

HIGH COURT OF CHHATTISGARH, BILASPURWA No.240 of 2021

1. Akshay Tiwari S/o Shri Anil Tiwari, Aged About 30 Years
R/o Shikshak Nagar, Behind Sarvepalli Radhakrishnan
Garden, Durg, District Durg Chhattisgarh

---- Appellant

Versus

1. State Of Chhattisgarh Through Its Secretary, Ministry Of
Home, Mahanadi Bhawan, Capital Complex, Naya Raipur,
District Raipur Chhattisgarh
2. The Station House Officer, Police Station Tiarapara, Raipur,
District Raipur Chhattisgarh.
3. Chhattisgarh State Commission For Women, Gaytri Bhawan,
13, Jalvihar Colony, Raipur Chhattisgarh
4. V

---- Respondents

For petitioner : Shri B.P. Sharma, Advocate

For respondent/State : Shri Sudeep Agrawal, Dy. Adv. General.

*(Proceedings through Video Conferencing)*Hon'ble Shri Prashant Kumar Mishra, Ag. CJHon'ble Smt. Rajani Dubey, J.Order On BoardByPrashant Kumar Mishra, Ag. CJ.24-08-2021

1. This intra Court appeal has been preferred by the appellant
against the order dated 5-8-2021 passed by the learned Single

Judge in WPCR No.312 of 2021 by which the application (I.A.No.1 of 2021 to WPCR) for grant of ad-interim relief has been rejected and at the same time posting the case after four weeks.

2. Appellant is accused of committing an offence under Section 376 of the Indian Penal Code on the allegation that he committed forcible sexual intercourse with the prosecutrix on promise to marry. Whether or not, in the given background and set of facts, the offence would be made out, is yet to be examined by the learned Single Judge.
3. The appeal being against rejection of interim application, it cannot be decided in perfunctory manner. The appellate Court will have to record some reason one way or the other, while allowing or refusing to allow the writ appeal and in such case, it will effect the case of either of the party before the learned Single Judge.
4. In view of the above, instead of entering into the merits of the case we dispose of the writ appeal with an observation that if the appellant moves before the learned Single Judge for expeditious disposal of the writ petition, the same shall be considered by the Single Judge. We hope that the writ petition shall not remain pending for unnecessarily long time.

Sd/-

(Prashant Kumar Mishra)
Acting Chief Justice

Sd/-

(Rajani Dubey)
Judge

Gowri