

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**CRR No. 831 of 2021**

1. Rakesh @ Preetam Das Manikpuri S/o Kaushal Das Manikpuri, Aged About 30 Years, R/o Village Majholiravanara Ravanguda, Police Station Kukdur, District Kabirdham (C.G.), Present Address Rajendra Nagar, Kamla Complex Nehru Chowk, Police Station Civil Lines Bilaspur, District Bilaspur (C.G.).

**---- Petitioner**

**Versus**

1. State Of Chhattisgarh, Through The Station House Officer, Police Station Civil Lines Larkspur, District Bilaspur (C.G.).

**---- Respondent**

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|---------------|---------------------------------|
| For Applicant | : Ms. Savita Punjabi, Advocate. |
| For State     | : Mr. Afroz Khan, P.L.          |

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**Hon'ble Shri Justice Gautam Chourdiya**

**Order on Board**

**17/11/2021**

- 1) Heard on admission.
- 2) Challenge in this revision under Section 397/401 of Code of Criminal Procedure is to the order dated 21/09/2021 passed by Additional Sessions Judge (FTC) Bilaspur (CG.) in S.T. No. 114/2021 framing charges under Sections 376(2)(n), 294 & 506(Part-II) of the Indian Penal Code against the petitioner.
- 3) Learned counsel for the petitioner submits that the charges framed against the petitioner are contrary to the material available on record as the prosecutrix was a consenting party being in love with the petitioner. There was no false compromise of marriage by the petitioner to the prosecutrix and further no any threat was given to her. Therefore, the impugned order framing charges against the petitioner is liable to be set aside.
- 4) On the other hand State counsel supports the impugned order.

- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the contents of the FIR, the written complaint made by the prosecutrix to the Police, Statement of the prosecutrix under Section 164 of the Code of the Criminal Procedure as also her case dairy statement and the statements of other witnesses, it is prima facie seen that the petitioner committed forcible sexual intercourse with the prosecutrix on the pretext of marriage and also threatened her of life. Being so this Court finds no illegality or perversity in the impugned order of the Trial Court framing charges against the petitioner under Sections 376(2)(n), 294 & 506(Part-II) of the Indian Penal Code.
- 7) The revision petition being without any substance is liable to be dismissed at the admission stage and is, accordingly, **dismissed**.

**-Sd/-  
(Gautam Chourdiya)  
Judge**

Chandrakant