

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 248 of 2021**

- XYZ Prosecutrix

---- Appellant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Baradwar, District Janjgir-Champa, Chhattisgarh
- Anil Kumar S/o Bundram Kewat Aged About 27 Years R/o Dumarpara Ward No. 02, Police Station Baradwar, District Janjgir-Champa, Chhattisgarh

---- Respondents

For Appellants	:	Shri Basant Dewangan, Advocate
For State	:	Shri Sudeep Verma, Dy,G.A.

D.B.:-Hon'ble Shri Sanjay K. Agrawal and
Hon'ble Shri Justice Arvind Singh Chandel

Order On Board**03/12/2021**

1. Heard Mr. Basant Dewangan, learned counsel on the question of admission of acquittal appeal.
2. The respondent No.2 has been acquitted from the charges of offence under Section 376 IPC (2) (n) of IPC.
3. Learned counsel for the appellant submits that the learned Sessions Judge, legally erred in appreciating the oral and documentary evidence on record and wrongly acquitted respondent No.1 which is totally perverse. Therefore, the judgment of acquittal deserves to be set aside and appeal be

admitted for hearing.

4. We have heard learned counsel for the appellant herein, considered the submissions and also gone through the records with utmost circumspection.

5. The case of the prosecution, in brief, is that on 08/04/2015 at about 2:30 PM and also since 5 to 6 years, on the false pretext of marriage, respondent No.1 was committing sexual intercourse with the prosecutrix against her wishes. Learned Sessions Judge, after appreciating the oral and documentary evidence on record, particularly taking into consideration the statement of the prosecutrix (PW1) and her father Deosingh (PW2) and other witnesses, came to the conclusion that the prosecution failed to bring home the offence against the accused and acquitted respondent No.2 from the charges of offence under Section 376 (2) (n) of IPC.

6. On a careful perusal of the statement of the prosecutrix (PW1), it would appear that she has totally not supported the case of the prosecution and in her cross-examination also, she has clearly admitted that there was no sexual intercourse on her against her wishes and she is living with the accused peacefully after marrying him.

7. As such, we are of the considered opinion that there is no illegality in the finding of the learned Sessions Judge in acquitting the respondent / accused from the charges of offence under Section 376 (2) (n) IPC. We do not find any good ground to entertain this appeal. This appeal is, accordingly, dismissed.

Sd/-
(Sanjay K. Agrawal)
Judge

Sd/-
(Arvind Singh Chandel)
Judge