CGHC010254892026 2026:CGHC:46625-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 134 of 2026

Judgment Reserved On : 14/10/2026
Judgment Delivered On : 4/11/2026

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... Appellant

versus

1 - State Of Chhattisgarh Through The Station House Officer, Police Station-Champa, District-Janjgir-Champa (C.G.)

2 - Rameshwar Sahu Son Of Late Malikram Sahu, Aged About 22 Years Resident Of Jagdalla Ward No.27, Police Station -Champa, District - Janjgir-Champ (C.G.)

... Respondent

For Appellant	**:** Mr. Resham Lal Jaiswal, Advocate.
For Respondent/ State	**:** Miss Palak Dwivedi, PL.

Hon'ble Shri Narendra Kumar Vyas &
Hon'ble Shri Sudhir Kumar, JJ

C A V Judgment

Per Sudhir Kumar, J.

KRISHNA KUMAR BARVE
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1. This Acquittal Appeal is directed against the judgment dated 8th April, 2026 passed by the Additional Sessions Judge, (FTC), Janjgir, District Janjgir-Champa in ST No.04/2026 wherein the said Court has acquitted the respondent No.2/Accused (henceforth 'the respondent/accused') of the charges under Sections 64 (2)(M) and 351 (2) of the Bhartiya Nyay Sanhita (for short 'the BNS').

2. Case of the prosecution is that the complainant/victim is a widow lady whose husband has died in 2020. In the year 2021, when she came to Champa in connection with her children's examinations, she came into contact with the respondent/accused in connection with boring work on land purchased by her deceased husband. During their subsequent interactions and telephone conversations, they developed intimacy. It is alleged that the accused repeatedly assured her that he would marry her and, on 11.06.2022, after bringing her to his rented accommodation at Sindhi Colony, Champa, established physical relations with her against her wishes on the pretext of marriage. He allegedly continued to have physical relations with her on the promise of marriage. She further alleged that she became pregnant and underwent an abortion after taking tablets under his pressure. When she repeatedly asked him to marry her, he used to avoid her, assaulted her, threatened to kill her, and ultimately refused to marry her. Consequently, the FIR was lodged on 13.11.2025. After investigation charge sheet was filed and after

completion of trial, the trial Court has acquitted the respondent/accused as mentioned above.

3. Learned counsel for the appellant submits that the trial Court has not properly appreciated the evidence of the victim (P.W.-1), who has categorically deposed that on the pretext of marriage, the respondent/accused has committed rape with her on several occasions and thereby he sexually exploited her. The victim had been firmed in her statement against the respondent/accused and she has fully supported the prosecution case, even then the trial Court has disbelieved the version of the victim. The finding of the trial Court that the victim is a consenting party has been recorded without any reasonable ground. The victim has supported the prosecution case and there is no legal reason to disbelieve the testimony of the victim. For the sake of arguments, even if it is accepted that the victim was a consenting party, even then the said consent was obtained by the respondent/accused by way of emotional blackmail and on the basis of false assurances of marriage, therefore, it cannot be said that the consent given by the victim was out of her free will and without any pressure, fear or protest. The trial Court has also not appreciated that since the respondent/accused has obtained consent by giving false assurance of marriage, there was delay in lodging FIR and non disclosure of incident to anyone would not materially affect the case of victim.

As such, the finding recorded by the trial Court acquitting the respondent/accused of the charges under Sections 64 (2)(M) and 351 (2) of the BNS is liable to be set aside.

4. The learned counsel appearing on behalf of the State has also supported the case of the appellant.

5. We have heard learned counsel for the parties at length and perused the record with utmost circumspection.

6. In the case at hand, the trial Court has primarily examined the testimony of the victim (PW-1), being the main witness to the alleged occurrence, along with the medical evidence, the testimony of other prosecution witnesses and the documents collected during investigation.

7. The victim at para-5 of her examination-in-chief has stated that she had come from Rewa to Champa in the month of June and that she and the accused subsequently started residing together in a live-in relationship. She has further stated that the accused had assured her that he would marry her upon attaining the age of 21 years. Whenever she asked him to marry her, he used to assault her. However, in her cross-examination, she admitted that she is educated and capable to understand as to what is in her interest. She also admitted that the accused was 17 years younger than her and that their intimacy had increased during telephonic conversations in the year 2022. She further admitted that she had two children from

her previous marriage, aged about 19 years and 16 years, respectively.

8. This Court would take note of the fact that the victim had not lodged any complaint against the accused alleging physical assault. It was also admitted by the victim that she had not made any complaint regarding the alleged administration of tablets by the accused for termination of pregnancy. Though the victim had alleged that the accused compelled her to take tablets after she became pregnant, however, the said allegation was not supported by any independent or medical evidence. Therefore, this Court finds that the allegation of physical assault and forced termination of pregnancy has not been established.

9. Apart from that, Dr. Anita Shrivastava, (PW-2), who has medically examined the victim, has stated that the victim has not disclosed to her that the accused had forcibly established physical relations with her. This witness has further stated that no signs of forcible sexual intercourse were found during medical examination. Thus, the medical evidence does not corroborate with the allegation of forcible sexual intercourse.

10. (PW-3) Vimla Jaiswal, in her cross-examination, has stated that she did not know whether the victim was in love with the accused or whether she intended to marry him. She has further acknowledged that the accused had an office in one of the rooms of the victim’s

house. Although she referred to the information regarding the victim's pregnancy and the tablets allegedly brought by the accused, however, her evidence did not independently establish the circumstances in which the tablets were taken or that the accused had compelled the victim to undergo an abortion. In the considered opinion of this Court, testimony of this witness does not materially establish the allegations of rape, assault or forced termination of pregnancy.

11. (PW-4) Rajesh Kumar Dwivedi has admitted in his cross-examination that he did not know whether the accused had contributed money towards the construction of the victim's house or whether the accused was paying rent for the office situated therein. He also expressed lack of knowledge regarding any dispute between the parties concerning monetary transactions in the year 2025. Although he referred to an incident of physical assault, he was unable to state the cause or the circumstances in which the alleged assault had taken place. Thus, this witness had no direct knowledge of the material circumstances of the alleged offences and that his testimony does not establish the criminal liability of the accused.

12. The victim's written complaint, her statement made during investigation and her deposition were considered by the trial Court. Upon considering these materials collectively, it found that the prosecution had not established the essential circumstances

necessary to prove the alleged offences beyond reasonable doubt. The trial Court observed that the fact of intimacy and the subsequent live-in relationship between the parties could not by themselves lead to a finding of criminal liability in the absence of sufficient evidence establishing the requisite elements of the offences charged.

13. On close scrutiny of the evidence available on record, we are of the opinion that the prosecution has failed to establish that the accused had committed rape on the false pretext of promise of marriage, and the allegations concerning physical assault, threats and termination of pregnancy had not been sufficiently substantiated by the evidence collected and proved during trial. Thus, this Court is of the view that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt, and the trial Court was absolutely justified in acquitting the accused of the charges under Sections 64(2)(m) and 351(2) of the BNS.

14. In the result, the Appeal fails and the same is hereby dismissed.

Sd/-
(Narendra Kumar Vyas)
Judge

Sd/-
(Sudhir Kumar)
Judge

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