

(2019) 08 CHH CK 0037

In the Chhattisgarh High Court

Case No : Criminal Miscellaneous Petition (CRMP) No. 1804 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Praveen Kant

RESPONDENT

Date of Decision : 05-08-2019

Acts Referred:

Indian Penal Code, 1860 — Section 315, 325, 376
Scheduled Castes And Scheduled Tribes (Prevention Of Atrocities) Act, 1989 — Section 3(2)(v)

Citation : (2019) 08 CHH CK 0037

Hon'ble Judges : Prashant Kumar Mishra, J;Gautam Chourdiya, J

Bench : Division Bench

Advocate : K.K. Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. On due consideration delay of 48 days in filing the CrMP is condoned. Accordingly, I.A. No.01 of 2019, application for condonation of delay in filing the CrMP is allowed.

3. The trial Court has acquitted the accused of the charges under Sections 376, 315, 325 of I.P.C. and under Sections 3 CRMP No. 1804 of 2019 (1) (xii), 3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

4. The prosecutrix aged about 23 years at the time of lodging of FIR has stated that the accused committed sexual intercourse on promise to marry for a period of 2 years. She admits that at the time of lodging of report she was 23 years of age. At one stage of examination she has stated that she is illiterate but in the next breath she admits that she has studied up to class 8th . She has obtained beautician training and was in the contact with the accused for the entire period

of 2 years over mobile.

5. Considering her age and her conduct, the trial Court has rightly found that she was a consensual party to the act of sexual intercourse, no case for grant of leave to appeal is made out.

6. In view of the above, the CrMP deserves to be and is hereby dismissed.