

(2019) 07 CHH CK 0055
In the Chhattisgarh High Court
Case No : CRMP No. 1043 Of 2019

State Of Chhattisgarh

APPELLANT

Vs

Vijay Kumar And Ors

RESPONDENT

Date of Decision : 09-07-2019

Acts Referred:

Indian Penal Code, 1860 — Section 34, 376(2)(G), 506
Protection Of Children From Sexual Offences Act, 2012 — Section 4, 6
Scheduled Castes And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(2)(5)

Citation : (2019) 07 CHH CK 0055

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

Bench : Division Bench

Advocate : Rajesh Singh

Final Decision : Dismissed

Judgement

Prashant Kumar Mishra J

1. The Trial Court has acquitted the accused persons of the charges under Sections 376 (2) (G), 506 (Part II) read with Section 34 of IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. As per the prosecution case, the prosecutrix had gone to attend Ravan Dahan Programme on the occasion of Dussehara Festival where she met accused Vijay with whom she was travelling her own village and on the way the other accused persons met them and all of them have committed forcible sexual intercourse. The report was lodged on the next day, however, after the incident the prosecutrix reached the house of one Nandu at about 12/1 am but did not inform him about the incident. It is also admitted by the prosecutrix that house of Nandu is at a distance of 50-60 feet from the place of occurrence. She also admits that she quietly went asleep in the house of Nandu without even

informing Nandu's wife about the incident. The prosecutrix is more than 18 years of age.

3. It is also to be seen that the prosecutrix complains of forcible sexual intercourse in an open field but yet she was not found to have sustained any external injuries. Similarly, she complains of forcible sexual intercourse by 6 accused, yet there was no injuries on her private parts. The Medical Officer (PW-8) Dr. Swati Bansariya could not accord any definite opinion about commission of recent sexual intercourse with the prosecutrix.

4. In view of the above evidence on record, the Trial Court has not committed any illegality or irregularity while acquitting the accused persons.

5. The CRMP seeking leave to appeal fails and is hereby dismissed.