



2026:CGHC:31523-DB



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NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No.280 of 2019**

Anita Sahu D/o Ramshnehi Sahu Aged About 23 Years R/o Village Nagroudi,
Police Station Chakarbhata, District Bilaspur Chhattisgarh.

--- Appellant/Victim**versus**

1 - State Of Chhattisgarh Through S.H.O. Police Station Mulmula District
Janjgir Champa Chhattisgarh

2 - Omprakash Sahu S/o Rameshwar Sahu Aged About 24 Years R/o Village
Mulmula, Police Station Mulmula, District Janjgir Champa Chhattisgarh.

--- Respondent(s)**ACQA No.408 of 2019**

State Of Chhattisgarh Through The In-Charge, Police Station- Mulmula,
District- Janjgir- Champa, Chhattisgarh.

---Appellant**Versus**

Om Prakash S/o Rameshwar Sahu Aged About 23 Years R/o Village-
Mulmula, Police Station- Mulmula, District- Janjgir- Champa, Chhattisgarh

--- Respondent(s)**In Acquittal Appeal No.280 of 2019**

For Appellant	:	Shri Rajbahadur Singh, Advocate
For Respondent No.1	:	Shri Sanjeev Pandey, Dy.AG
For Respondent No.2	:	Ms. Seema Singh, Advocate

In Acquittal Appeal No.408 of 2019

For Appellant	:	Shri Sanjeev Pandey, Dy.AG
For Respondent	:	Ms. Seema Singh, Advocate



**D.B.: Hon'ble Shri Justice Sanjay S. Agrawal &
Hon'ble Shri Justice Narendra Kumar Vyas**

Judgment on Board

Per Sanjay S. Agrawal, J.

23/07/2026

- 1) Since both these appeals arise out of the common judgment dated 10/12/2018 passed by the Special Judge (Atrocity), District Janjgir-Champa (C.G.) in Sessions Trial No.24/2017, they are being disposed of by this common judgment.
- 2) From perusal of the record, it appears that the respondent-Om Prakash Sahu has been charge-sheeted with regard to the offence punishable under Section 376 of IPC, based upon the written report (Ex.P-1) lodged by the prosecutrix on 07/03/2017, wherein, it was alleged that on 11/11/2016, she went to her elder mother's house, namely, Gana Bai Sahu at Village-Mulmula, where, neighbour of her, namely, Om Prakash Sahu, the respondent-accused herein, called her in his house on 16/11/2016 around 12 PM in the afternoon and, that by alluring her on the pretext of marriage committed sexual intercourse and oftenly used to call her in his house and forcefully made the physical relations with her, owing to which, she became pregnant and thereafter, refused to marry with her. Based upon the alleged allegations, the said respondent has been charged as such.
- 3) In order to establish the alleged allegations, the prosecutrix was examined as PW-1 and, it appears from her testimony that the said respondent took her to his house on 16/11/2016 around 12 PM and while alluring her to get marry, committed sexual intercourse with her and, thereafter also made physical relations with her on several times at his house, owing to which, she became pregnant. The prosecutrix



has, thus, visited his house on various times, where her alleged relation was made with him and she never disclosed of her alleged relation to anyone and, rather appears to be disclosed when she was enquired by her elder mother upon seeing her ill-health, as revealed from para-8 of her testimony.

- 4) Pertinently to be noted here further that the alleged report (Ex.P-1) was lodged much after passing of more than 3 & ½ months, on 07/03/2017, explaining the reasons that since she was assured by him to get marry, therefore, she has not lodged the report earlier and has been made only with the consultation of others. But the alleged of her explanation is, however, not found to be supported even by her own evidence, as it was found to be lodged when she was threatened to be burnt by the respondent-accused and his parents, during her living with them, as evidenced from paragraphs-3 and 8 of her testimony. Non-disclosure of her alleged long relations to her own parents made with him in his house for several times, would, thus, lead to an irresistible conclusion that it was made with her own consent.
- 5) The aforesaid observation is fortified by the principles laid down by the Supreme Court in the matter of '**Mahesh Damu Khare v. State of Maharashtra**', reported in **(2024) 11 SCC 398**, wherein, it has been held that where woman knowingly maintains the physical relationship for a prolonged period, then, it cannot be said with certainty that it was made purely because of promise of marriage and we are, therefore, do not find any infirmity in the impugned judgment of acquittal passed by the trial Court holding that the alleged relation of her with him was consensual in nature.



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- 6) Consequently, the aforesaid appeals are dismissed.

**SD/-
(Sanjay S. Agrawal)
Judge**

**SD/-
(Narendra Kumar Vyas)
Judge**