



2026:CGHC:12577



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 191 of 2021

X

... Appellant

versus

1 - Mithalesh Sen S/o Shri Chhannu Sen, Aged About 36 Years R/o Village Paragaon, Police Station Arang, District- Raipur Chhattisgarh.

2 - State Of Chhattisgarh, Through Station House Officer, Police Station Arang, District Raipur Chhattisgarh.

... Respondents

For Appellant	: Ms. Ankita Goswami, Advocate appears on behalf of Mr. Pushpendra Kumar Patel, Advocate
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For State/Respondent No.2	: Ms. K. Radhika, Panel Lawyer
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Single Bench : Hon'ble Shri Justice Sanjay S. Agrawal

Judgment on Board

16/03/2026

1. This appeal has been preferred by the prosecutrix under proviso to Section 372 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 09/07/2018 passed by the Additional Sessions Judge (F.T.C.), Raipur, District- Raipur



(C.G.) in Sessions Trial No.122/2016, whereby, the respondent, who is her brother-in-law (Jeth), has been acquitted with regard to the offence punishable under Sections 376 and 506 Part-II of IPC.

2. According to the prosecution, a written report (Ex.P/1) was lodged by the prosecutrix on 14/05/2016 before the Police Station- Arang, alleging inter-alia that, her marriage was solemnized in the year, 2013, with one Ashok Sen and started living peacefully in her in-laws house, but in the month of Hindi Magh of the year 2016, when she was alone at home, her brother-in-law (jeth) entered into the house and has committed sexual intercourse with her forcefully while threatening to kill her if she disclosed the incident to anyone else. It is alleged further that, the alleged incident was disclosed by her to her father-in-law and mother-in-law and also to her husband, but they did not do anything and, after sometimes, the respondent again committed sexual intercourse with her, owing to which, she left her matrimonial house and went to her parental house and narrated the entire incident to her parents and, lodged the alleged report (Ex.P/1) and, based upon which, the respondent has been charge-sheeted with regard to the offence mentioned herein-above.
3. In order to establish the alleged allegation, the prosecutrix was examined as PW-1 and, it appears from her testimony that, there is material disparity regarding her alleged allegations, as according to her, the occurrence of the alleged incident as committed upon her by the respondent was disclosed to her husband only and not to her



father-in-law and mother-in-law as was found to be revealed from her alleged written report (Ex.P/1), lodged on 14/05/2016. It appears further from her testimony that, the respondent has tried to outrage her modesty on third occasion also, but the said fact was also not found to be revealed from her alleged report. It appears further from her testimony that, the alleged incident was occurred on 10/02/2016, but no specific date as such was mentioned at the time of lodging the alleged written report (Ex.P/1).

4. It is to be seen further that during the course of investigation, her statement (Ex.P/5) was recorded under Section 164 of Cr.P.C. and, according to which, it appears that, she was threatened by him with the aid of knife, but the said fact was, however, not reflected from her alleged report (Ex.P/1). It appears further from para 18 of her testimony that, her bangles were broken down and clothes were torned when she tried to escape herself but, neither the same, nor the knife was seized from her, nor has sustained any injury during the course of alleged incident as revealed from her testimony. Her father was examined as PW-2 and according to him, his daughter, the prosecutrix, has not disclosed regarding the occurrence of the alleged incident though, according to his daughter, it was disclosed by her and, in fact, he came to know about the alleged fact from his wife, who was not examined for the reasons best known to the prosecution.
5. It, thus, appears that, her alleged allegations is neither found to be



supported by any of the prosecution witnesses, nor even any proper explanation was offered, as to why, the alleged report (Ex.P/1) was lodged much after passing of considerable period of more than three months. The trial Court after taking note of those materials has, therefore, not committed any illegality in acquitting the respondent from the commission of the alleged crime, so as to call for any interference in this appeal.

6. The appeal being devoid of merit is, accordingly, dismissed.

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