



2026:CGHC:3259-DB



2026:CGHC:3259-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No.142 of 2014

Durpati Manjhi D/o Late Indal Manjhi, Aged About 39 Years, R/o Village Kurmi Bhauna, Post Porga, P.S. Gharghora, Civil And Revenue District- Raigarh, (C.G.)

... Appellant/Complainant

versus

1 - State Of Chhattisgarh through the Station House Officer, Police Station Gharghora, District-Raigarh, (C.G.)

2 - Bhojram Rathia S/o Late Rajaram Rathia Aged About 48 Years, Caste Kanwar, R/o Village Kurmi Bhauna, P.S. Gharghora, Civil And Revenue Distt.- Raigarh, (C.G.) (**Accused**)

... Respondents

For Appellant	:	Shri A. N. Bhakta appears along with Shri Vivek Bhakta, Advocates
For Respondent No.1	:	Shri Sachhidanand Yadav, Panel Lawyer
For Respondent No.2	:	None, though served

**DB: Hon'ble Shri Justice Sanjay S. Agrawal &
Hon'ble Shri Justice Amitendra Kishore Prasad**

Judgment On Board

Per Sanjay S. Agrawal, J

20/01/2026

- 1) This appeal has been preferred by the Complainant/Victim under Section 372 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 09/04/2014, passed by the learned Additional Sessions Judge, (FTC), Raigarh (C.G.) in Sessions Trial No.93/2013, whereby, the respondent No.2 has been



acquitted with regard to the offence punishable under Section 376(1) of IPC.

- 2) From perusal of the record, it appears that a written report (Ex.P-2) was lodged by the prosecutrix before the Police Station Gharghora, District Raigarh, alleging inter alia, that the respondent No.2, while alluring her on the pretext of marriage, has made physical relations with her since 2001 and has driven her out from the house on 12/12/2012. It is alleged further that in the meeting convened in the village, she was promised by him to maintain her and children and also provide her house, but, he has failed to fulfill the same and, based upon the alleged allegations, an FIR (Ex.P-3) was registered against the respondent No.2 on 26/04/2013.
- 3) In order to establish the alleged allegations, the prosecutrix was examined as PW-3 and it was stated by her that in the year 2001, at about 12'O' Clock, she went to the grocery shop of the respondent No.2 in order to purchase the soap, but, on the pretext that the soap is available in the godown, he compelled her to go inside the godown, where he gave her soap and in the meanwhile, his associates, namely, Tejlal and Santan Rathiya have locked the door of the godown from outside and despite of her cries, no one helped her and the respondent No.2, while giving false promise of marriage, committed sexual intercourse with her forcefully. Although, it was alleged by her as such, but the said fact was, however, neither reflected from her alleged written report (Ex.P-2), nor the FIR (Ex.P-3) and the alleged allegations, alleged to have been occurred in the



year 2011, have been made for the first time before the Court. That apart, she was found to be driven out from the house on 12/12/2012 and despite of that, no report was lodged by her immediately thereafter and the alleged written report (Ex.P-2) was lodged only on 26/04/2013 even without any explanation. In view of such circumstances, her alleged allegations cannot be relied upon.

- 4) Besides, it reveals further from her testimony that she and the respondent No.2 both are married persons, therefore, her long relations, commencing from the year 2001 upto December, 2012, cannot be held to be made by him with a false assurance of marriage, as alleged by her in her written report (Ex.P-2). Pertinently to be noted here further, as revealed from her testimony, that her alleged long relation with the said respondent was not only known to her family members, but was known to the villagers as well and, she never lodged any report against him during the said long period, which, therefore, lead to an irresistible conclusion that the same was made on her own consent and, the trial Court has, therefore, not erred in holding that the prosecutrix was a consenting party with regard to the alleged relations of her with the respondent No.2.
- 5) In view of above, we do not find any substance in this appeal. The appeal, being devoid of merit, is accordingly dismissed.

SD/-
(Sanjay S. Agrawal)
Judge

SD/-
(Amitendra Kishore Prasad)
Judge