



2026:CGHC:2975-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****CRA No. 370 of 2015**

Shrawan Kumar Yadav S/o Jugaruram Aged About 23 Years R/o Village Chhote Odagaon, P.S. Dhanora Revenue And Civil District Kondagaon Chhattisgarh.

...Appellant.**versus**

State Of Chhattisgarh Through Police Station - Dhanora District Kondagaon Chhattisgarh.

... State/Respondent.

For Appellant	: Shri Shobhit Koshta, Advocate.
For State/Respondent	: Shri Vivek Mishra, Panel Lawyer.

(Division Bench)**Hon'ble Shri Justice Sanjay K. Agrawal****Hon'ble Shri Justice Amitendra Kishore Prasad****Judgment on Board**

(19.01.2026)

Sanjay K. Agrawal, J.

1. This Criminal Appeal under Section 374 (2) of the Code of Criminal Procedure, 1973 is directed against the impugned judgment of



conviction and order of sentence dated 14.01.2015 passed in ST No.114/2014, by which Special Sessions Judge (Atrocities), Kondagaon, District Kondagaon convicted and sentenced the appellant as under:-

Conviction	Sentence
Under Section 376 of IPC.	Imprisonment for life with fine of Rs.5,000/-, in default of payment of fine, to further undergo additional RI for 1 year.
Under Section 3 (2) (v) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989.	Imprisonment for life with fine of Rs.5,000/-, in default of payment of fine, to further undergo additional RI for 1 year.

2. Case of prosecution, in short, is that on 01.06.2014 at 5:30 pm, the victim lodged an FIR with the concerned Police Station stating that the appellant committed sexual intercourse with her on 11.04.2014 and had been doing so for last four years prior to the date of lodging the FIR and thereby, committed the offence. It is further case of prosecution that when the victim (PW-1) got pregnant, the appellant refused to marry her and subsequently, she reported the matter to the Police. Subsequently, FIR was registered vide Ex.P/1. Medico Legal Certificate (Ex.P/13) of the victim was issued, in which, it was found that she has delivered foetus at a private hospital. Caste certificate of the victim was issued vide Ex.P/3, which shows that



the victim belongs to Scheduled Tribes category. The FSL was conducted vide Ex.P/24 and in the report, it has been mentioned that semen was not found.

3. In order to bring home the charges against the appellant, prosecution examined as many as 9 witnesses and exhibited 25 documents vide Ex.P/1 to Ex.P/25.
4. Learned trial Court after appreciating the oral and documentary evidence available on record, convicted and sentenced the appellant as mentioned above, against which, this Appeal has been preferred by the appellant.
5. Learned counsel for the appellant submits that victim was a major on the date of offence and a careful perusal of the statement of victim would show that she is a consenting party and as such, this appeal deserves to be allowed and the appellant is entitled for acquittal.
6. Per contra, learned State Counsel would support the impugned judgment of conviction and submit that the prosecution has been able to bring home the charges against the appellant beyond reasonable doubt and the trial Court has rightly convicted the appellant for the aforesaid offence. The appellant is not entitled for acquittal and the Appeal deserves to be dismissed.



7. We have heard learned counsel for the parties, considered their rival submissions and have gone through the record with utmost circumspection.
8. It is not in dispute that the victim was major on the date of offence. However, it has to be seen whether the victim was consenting party or not ?
9. In this regard, the statement of the victim may be noticed in para 1 of which, she has stated that she was in love relations with the appellant, on account of which, they used to make physical relations, as a result of which, she became pregnant. Further, in para 7, the victim has clearly stated that since 2009, the appellant used to come to her home and they had visiting terms, which was not opposed by family members of the victim and they both used to move together publicly. The victim also stated that physical relations were made with the consent of both the parties and in the last four years, physical relations were made number of times. The victim has also admitted that when her love relations began with the appellant, she had already attained the age of 18 years. Further, the victim was medically examined by Dr. Sarita Mahobia (PW-5) who in MLC (ExP/13) found that the victim had no external injury, hymen was old ruptured and the victim was habitual of sexual intercourse and she had also delivered a baby on 13.05.2014, who died after one day. The FSL report (Ex.P/24) is negative and as



such, we are of the considered opinion that the victim was major and a consenting party on the date of offence and the trial Court was absolutely unjustified in convicting the appellant under Section 376 of IPC. Consequently, since no offence has been found against the appellant under Section 376 of IPC, an offence under Section 3 (2) (v) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 is also not made out against the appellant.

10. In view of the foregoing discussion, the Appeal is allowed. Conviction and sentence imposed on the appellant under Section 376 of IPC and Section 3 (2) (v) of The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989 are set aside and he is acquitted of the said charges. The appellant is on bail. He need not surrender. The bail bonds furnished by the appellant shall remain in operation for a period of 6 months in view of the provisions contained under Section 437-A of the Cr.P.C.

Sd/-

(Sanjay K. Agrawal)
Judge

Sd/-

(Amitendra Kishore Prasad)
Judge

Avinash