



2026:CGHC:2911-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**ACQA No. 377 of 2025**

- XXX

...Appellant/Victim**versus**

1. Vijendra Karsh, S/o Suruti Lal Karsh, aged about 28 Years, R/o Village Mukta, Police Station Malkharauda, District : Sakti, Chhattisgarh.
2. State of Chhattisgarh, Through Station House Officer, Police Station-Bhupdevpur, District : Raigarh, Chhattisgarh

... Respondents

For Appellant	:	Mr. Tarun Dansena, Advocate.
For Respondent No.2	:	Ms. Shubha Shrivastava, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey &
Hon'ble Shri Justice Radhakishan Agrawal

Judgment on Board**19.01.2026****Per Radhakishan Agrawal, J.**

Heard on admission.

1. This acquittal appeal filed by the Appellant/State arises out of the judgment dated 10.07.2025 passed by the Additional Sessions Judge (F.T.C.), Raigarh, District Raigarh C.G., in Sessions Case No.24/2024, whereby the learned trial Court acquitted the accused/respondent of the charges under Sections 376(2)(n) and 506-B of Indian Penal Code (for short, "IPC").
2. Case of the prosecution, in brief, is that on 01.08.2023, prosecutrix (PW-2), aged about 26 years, lodged a written report (Ex.P-1) alleging that she came in contact with accused/respondent No.1 while working at SKS Plant,



Binjokot. At the relevant time, accused/respondent No.1 was employed as a driver, whereas she was working as a canteen cleaning staff. During the course of their acquaintance, accused/respondent No.1 came to know that she/prosecutrix was a divorced woman and allegedly assured her that he would marry her. On the said promise of marriage, accused/respondent No.1 is alleged to have established physical relations with the prosecutrix for about three years, thereby sexually exploiting her. It is further alleged that on 05.07.2023, accused/respondent No.1 refused to keep the prosecutrix with him, drove her out of the house and threatened her to life. On the basis of the said written report (Ex.P-1), FIR (Ex.P-2) was registered against accused/respondent No.1.

3. During the course of investigation, spot map was prepared vide Ex.P-4. After obtaining the consent of prosecutrix and her mother, prosecutrix was sent for medical examination, whereupon PW-4 Dr. K.C. examined her and did not notice any injury on the person of the prosecutrix either internally or externally and also did not give any definite opinion regarding commission of forcible sexual intercourse and gave MLC report vide Ex.P-8. Vide Ex.P-9, vaginal slides, swabs and underwear of the prosecutrix were seized. The seized articles were sent to the FSL for chemical examination and the FSL report (Ex.P-15) has been brought on record.
4. Statements of the witnesses were recorded and after completing investigation, charge sheet was filed against the accused/respondent No.1 before the concerned trial Court. Accused/respondent No.1 abjured the guilt and prayed for trial.
5. The trial Court, after hearing counsel for the parties and appreciating the evidence on record, by the impugned judgment acquitted the accused/respondent No.1 of charge leveled against him.



6. Learned counsel for the Appellant/Victim submits that the learned trial Court has erred in acquitting the accused/respondent No.1 of the aforesaid charge by recording perverse findings. He further submits that there is ample evidence available on record, particularly the testimony of PW-2 prosecutrix, to establish that on the false pretext of marriage, the accused/respondent No.1 established physical relations with the prosecutrix on several occasions and subsequently refused to marry her and also threatened her to life. Despite the availability of sufficient and cogent evidence on record, the learned trial Court committed a grave error in acquitting the accused/respondent. Thus, the impugned judgment of acquittal suffers from perversity and illegality and is liable to be set aside.
7. Learned counsel for the respondent No.2/State supports the contention made by learned counsel for the appellant/victim.
8. We have heard learned counsel for the parties and perused the material available on record.
9. The Supreme Court in the matter of *Jafarudheen and others vs. State of Kerala reported in (2022) 8 SCC 440* has considered the scope of interference in Appeal against acquittal, which reads as under:-

“25. While dealing with an appeal against acquittal by invoking Section 378 CrPC, the appellate court has to consider whether the trial court's view can be terms as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters.”
10. From perusal of the record, it appears that the respondent was charge-sheeted for the offence punishable under Sections 376(2)(n) and 506-B of IPC on the basis of the report lodged by the prosecutrix. In order to



establish the said charge, the prosecutrix was examined as PW-2. In her testimony, particularly during cross-examination, she categorically admitted that when the respondent No.1/accused first established physical relations with her, she did not lodge any complaint against him at the police station. She further admitted that she did not offer any resistance at the time of the first physical relationship. She also admitted that had the accused/respondent No.1 married her, she would not have lodged any report against him. She further admitted that she and the accused/respondent No.1 were in a love relationship and that she had known him for the past three years. She also admitted that she was married prior to the incident and has two children from her husband, aged about 7 and 8 years respectively. She further admitted that she has not obtained any decree of divorce from her husband from any competent Court. She also admitted that the accused/respondent No.1 is younger than her and that they belong to different castes. She further admitted that she did not lodge any report alleging that the accused/respondent No.1 ever threatened her to life.

11. From perusal of the evidence of the prosecutrix, who was admittedly, a major lady, it appears that there was a love affair between the prosecutrix and accused/respondent No.1 and she was a consenting party with regard to the alleged offence and that was the reason as to why she has not lodged the report against the respondent No.1 when the alleged offence was committed upon her by him. Taking note of her testimony, the learned trial Court has not committed any illegality in holding that the prosecutrix was a consenting party and in acquitting the accused/respondent No.1 of the alleged offence. The findings recorded by the learned trial Court are neither perverse nor contrary to the evidence on record, so as to warrant any interference in this acquittal appeal.



12. Accordingly, the acquittal appeal filed by the Appellant/Victim against the acquittal of the accused/respondent No.1 is hereby dismissed at the admission stage.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Radhakishan Agrawal)
Judge

Akhilesh