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State Of Chhattisgarh Vs Alesh Khalkho

Court: Chhattisgarh High Court

Date of Decision: Aug. 16, 2019

Acts Referred: Indian Penal Code, 1860 â€" Section 376(2)(Dha), 506B

Hon'ble Judges: Prashant Kumar Mishra, J; Gautam Chourdiya, J

Bench: Division Bench

Advocate: Madhunisha Singh

Final Decision: Dismissed

Judgement

Prashant Kumar Mishra, J

1. Record of the Trial Court being available, we have heard learned State counsel on admission.

2. The Trial Court has acquitted the accused of the charges under Sections 376 (2) (Dha) and 506-B of IPC.

3. The prosecutrix, examined as PW-3, is a married lady, aged about 27 years at the time of offence in the year 2013-14. She would clearly admit in

her deposition that she was in love with the accused and were speaking over mobile phone regularly without being objected by her husband. She

would also admit that they had stayed together for about one year and during this period, she stayed with the accused wherever he was posted on

transfer and at times when the accused failed to meet her on his transfer to other station, she used to reach that location.

4. Considering the nature and quality of evidence available on record, the present is not a fit case for grant of leave to appeal.

5. Accordingly, the CRMP is dismissed.