

**(2018) 07 CHH CK 0269**

**Chhattisgarh High Court**

**Case No:** ACQA No. 196 Of 2017

Savita @ Budul

APPELLANT

Vs

Ramma Chaudhary And Ors

RESPONDENT

**Date of Decision:** July 23, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 34, 376, 506

**Hon'ble Judges:** Ajay Kumar Tripathi, CJ; Prashant Kumar Mishra, J

**Bench:** Division Bench

**Advocate:** Arvind Sinha, H. P. Agrawal, A. S. Kachhwaha

**Final Decision:** Dismissed

### **Judgement**

Prashant Kumar Mishra, J

1. The matter is posted today for information about the death of respondent No.1. The application (IA No.1/2018) is supported with an affidavit of respondent No.2 Gomati Bai as also the death certificate issued by the Competent Authority certifying that the respondent No.1 Ramma Chaudhary, S/o Bhullu has died on 20.04.2018.

2. In view of the above, the present acquittal appeal, as against the respondent No.1 Ramma Chaudhary, has abated and as such, the appeal against him is dismissed as abated.

3. With the consent of the learned counsel for the parties, the appeal is heard finally.

4. On allegation that the deceased accused Ramma Chaudhary sexually exploited the appellant and stayed with her without performing lawful marriage, a report was lodged by the appellant against the said Ramma Chaudhary and his wife respondent No.2 Gomati Bai. Since Ramma

Chaudhary has died and the acquittal appeal against him has already been dismissed as abated, we are only required to consider as to whether the respondent No.2's acquittal of the charge under Section 506 of IPC is legal and appropriate.

5. The thrust of allegation in the entire charge sheet was against the respondent No.1 Rammu Chaudhary regarding commission of forcible sexual intercourse and criminally intimidating the appellant, which was not established in the trial Court. As against the respondent No.2, the only allegation was that she too shared common intention with the deceased respondent No.1 Rammu Chaudhary in criminally intimidating the appellant and she helped the respondent No.1 in committing the offence of forcible sexual intercourse with the appellant.

6. There is no charge against the respondent No.2 with the aid of Section 34 of IPC that she assisted her husband Rammu Chaudhary in committing the offence under Section 376 of IPC. The only charge against her is of criminally intimidating the appellant. However, since the main charge itself has been found unestablished by the prosecution with which we are fully satisfied and further for the reason that there is no material on record to conclude that the respondent No.2 was, in any manner, involved in criminally intimidating the appellant, the trial Court has rightly acquitted her of the charge under Section 506 of IPC.

7. Resultantly, the present acquittal appeal against the respondent No.2 deserves to be and is hereby dismissed.