

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 247 of 2019**

- State Of Chhattisgarh Through Police Station Bilaigarh District Baloda Bazar Bhatapara Chhattisgarh

---- Petitioner

Versus

- Suraj Sahu S/o Pataluram Sahu Aged About 27 Years R/o Village Chisda Police Station Hasoud District Janjgir Champa Chhattisgarh

---- Respondent

For Petitioner : Shri K.K.Singh, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Rajani Dubey****Order On Board****01/03/2019**

Heard on I.A.No.1/19, application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Heard on prayer for grant of leave to appeal.

Learned State counsel would argue that even though the prosecutrix (PW1) has clearly stated that the respondent / accused, on a false pretext of marriage, maintained physical relations and committed sexual intercourse, learned Trial Court has acquitted the respondent treating it to be a case of consent between the parties.

We have gone through the judgment of acquittal and the evidence on record, particularly the evidence of the prosecutrix (PW1) who is a major.

The evidence of the prosecutrix itself reveals that the prosecutrix and the respondent had a long standing affair and finally, the respondent married her, though without notice and knowledge of his family and maintained relations as husband and wife. Later on, when the family members of the respondent started raising dispute

and prevailed upon the respondent, he resiled from the marital obligations.

In the light of the aforesaid evidence, learned Trial Court has taken a view that it was a case of consent and not on false pretext with which, we do not find any exception. The view taken by the learned Trial Court is plausible and cannot be said to be based on perversity or in ignorance of material evidence on record, much less patent illegality. Therefore, there is no scope of interference by this Court against the judgment of acquittal.

The present CrMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge