

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 542 of 2019

- State Of Chhattisgarh, Through The Incharge, Police Station Bhatapara, (Rural), District : Balodabazar-Bhathapara, Chhattisgarh

---- Petitioner

Versus

- Umashankar Yadav, S/o Krishna Kumar Yadav, Aged About 30 Years, R/o Village Mopka, Police Station Bhatapara (Rural), District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Anand Verma, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Shri Justice Manindra Mohan Shrivastava

02.05.2019

1. Heard on application for grant of leave to appeal filed by the State.
2. Learned counsel for the State would argue that even though the prosecutrix has clearly stated that the respondent continued to have sexual intercourse with the prosecutrix on the false pretext of marriage and, later on, after they got married he again left her, the learned trial Court has wrongly acquitted the respondent/accused.
3. We have gone through the impugned judgment of acquittal, particularly that of the prosecutrix and from the evidence of prosecutrix it is clear that the prosecutrix is major and she was having long standing affair and physical relationship with the respondent/accused, finally they got married on 18.07.2016. The evidence of the prosecutrix shows that after some time in the month of October, they were having some kind of dispute on account of alleged cruelty which lead to filing of report. On the basis of such evidence, the learned trial Court does not appear to have committed patent illegality or contrary to any incriminating evidence. The view taken by the learned Trial Court in granting acquittal by giving respondent/accused benefit of doubt, in so far as the

allegation of commission of rape is concerned, we find ourselves unable to interfere with judgment of acquittal, keeping in view the limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal.

4. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin