

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 566 of 2019

- State of Chhattisgarh Chowki-Kandarka, Through Station House Officer, Police Station Berla, District : Bemetara, Chhattisgarh

---- Petitioner

Versus

- Rameshwar S/o Murali Aged About 23 Years R/o Village Kandarka, Police Chowki Kandarka, Police Station Berla, District : Bemetara, Chhattisgarh

---- Respondent

For Petitioner/State : Shri S.K. Mishra, PL

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.
2. Learned counsel for the State submits that the even though the evidence of prosecutrix PW-2 shows that the prosecutrix and the respondent/accused had consensual relation out of their love affair for a long time and after that she delivered a child, the consensual relationship was developed by respondent on false pretext of marriage.
3. We have gone through the entire judgment of conviction and evidence led by the prosecution, particularly that of the prosecutrix and find that the learned trial Court has minutely scrutinized and particularly taking into consideration that what she has stated in her cross examination that the report was lodged only to avoid social condemnation in the society and if the child would not been born, she would not have lodged report, ordered acquittal.
4. The view which has been taken by the learned Court does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, 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.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin