

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 482 of 2018

- State Of Chhattisgarh Through Police Station Ramkola District Surajpur Chhattisgarh

---- Petitioner

Versus

1. Ajay Singh S/o Shri Indrajeet Singh Aged About 22 Years R/o Village Barpatia, Police Station Ramkola District Surajpur Chhattisgarh
2. Uday Singh S/o Shri Indrajeet Singh Aged About 30 Years R/o Village Barpatia, Police Station Ramkola District Surajpur Chhattisgarh

--- Respondents

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/06/2019

1. Heard on application (I.A. No. 1) for condonation of delay in filing of the appeal.
2. Upon due consideration, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Though, learned State Counsel would submit that the prosecutrix has clearly stated regarding commission of offence of rape on her by respondent-accused, after going through the impugned judgment and evidence on record particularly that of the prosecutrix (PW 1), we find that the prosecutrix stayed in another house and did not disclose the incident for well over one month to any body and she has admitted in para-12 of her cross-examination that she had an affair with the accused and she was willing to marry him. Therefore, taking into consideration the aforesaid evidence of the prosecutrix who is a major and that she was found habitual to sexual intercourse, the learned trial Court has granted benefit of doubt. The view taken by learned trial Court does not suffer from any patent illegality or perversity. Given the limited scope of interference against judgment of acquittal, no case for grant of leave to appeal

is made out.

5. The petition is therefore dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

Ravi