

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 616 of 2019

State Of Chhattisgarh Through Station House Officer, Police Station
Badgaon, District North Bastar Kanker Chhattisgarh ---- **Petitioner**

Versus

Rajendra Singh Marawi, S/o Sampat Singh Marawi, Aged About 25 Years R/o
Village Beniwari (Kursitola) Post Beniwari, Police Station Karanpattar, District
Anuppur, Madhya Pradesh ---- **Respondent**

For State/Petitioner : Mr. K.K. Singh, G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

24/04/2019

Heard on (I.A. No.1) application for condonation of delay in filing application for grant of leave to appeal.

Upon due consideration, delay in filing application for grant of leave to appeal is condoned.

The application (I.A. No.1) is allowed.

Also heard on application for grant of leave to appeal.

1. Learned State counsel would argue that even though prosecutrix has stated regarding commission of offence of rape on her, the learned Trial Court has wrongly granted benefit of doubt to respondent/accused that it could possibly be a case of consent.

2. We have gone through the impugned judgment and evidence of prosecution witnesses, particularly that of the prosecutrix. Learned Trial Court after meticulous examination of the evidence of the prosecutrix that the prosecutrix had stayed with the respondent accused for about 3 days in his house, no missing report was lodged by her parents and further that after she came back to her house then also, she did

not make any report for almost 90 days found the case of the prosecution doubtful. Moreover, learned Trial Court has also considered the circumstances of the case that the prosecutrix never reported the matter to anybody during the period when she was staying in the house of respondent accused. In our considered view, finding of learned trial Court can neither be said to be perverse nor suffering from patent illegality or in ignorance of any incriminating material on record. Given the limited scope of interference against the impugned judgment of acquittal, no case is made out for grant of leave to appeal.

3. The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge

Rekha