

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 654 of 2019**

- State Of Chhattisgarh Through-Police Station- Akladongri, District : Dhamtari, Chhattisgarh

---- Petitioner**Versus**

- Shashikant Netam S/o Shri Ramsingh Netam Aged About 29 Years R/o Village Urputi, Police Station Akladongri, District : Dhamtari, Chhattisgarh

---- Respondent

For Petitioner/State : Shri Neeraj Kumar Mehta, 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****25.04.2019**

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Learned counsel for the State submits that the evidence on record proves that the prosecutrix has entered into consensual relation on false pretext of marriage.
6. We have gone through the entire judgment of acquittal and evidence led by the prosecution witness and particularly that of the prosecutrix. We find that the prosecutrix herself has come out with the evidence that at the time when she entered into consensual intercourse no assurance of marriage was given.
7. Taking into consideration that the prosecutrix has admitted in the cross examination that the respondent is married person and the incident came in the light for the first time when the prosecutrix became pregnant and that these materials on record led the learned Trial Court to record finding that present appears to be a case of consent and particularly that the prosecutrix is major, the view which has been taken by the learned Court

below 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.

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

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge

yasmin