

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 673 of 2019

The State Of Chhattisgarh Through District Magistrate District- Raigarh,
Chhattisgarh.

---- Petitioner

Versus

Ajay Sidar S/o Khikram Aged About 21 Years R/o Village Kekrabhat, P.S.
Dhabhra, District- Janjgir-Champa, Chhattisgarh.

---- Respondent

For State/Appellant : Shri Neeraj Mehta, Panel Lawyer

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Order On Board

19/06/2019

1. Heard on IA No.1/19, application for condonation of delay in filing the appeal.
2. Upon due consideration of the grounds urged in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Learned counsel for the State would argue that according to the evidence of the prosecutrix, the respondent-accused entered into relationship, affair and also maintained sexual relation on false pretext of marriage, therefore, a case of commission of offence of rape was made out as provided under Section 375 IPC.
5. We have gone through the impugned judgment and the evidence on record, particularly that of the prosecutrix.
6. In order to give the accused benefit of doubt, learned trial Court has taken into consideration the prosecutrix's evidence of she having relationship with respondent/accused for very long time and that a child was also born out

of their relationship and even at that point of time, prosecutrix did not lodge any report and long thereafter, report was finally lodged when the respondent-accused went to another station to earn livelihood and did not return. On the face of such evidence, the view which has been taken by the learned trial Court is a possible view and given the limited scope of interference against the judgment of acquittal, we do not consider present to be a fit case for grant of leave to appeal.

7. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge