

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 892 of 2019

- State Of Chhattisgarh Through The Incharge Police Station Sankara District- Mahasamund, Chhattisgarh

---- Petitioner

Versus

- Ramjay S/o Sonaram Jagat Aged About 24 Years R/o Village Lalmati Tukada, Polie Station Sankara, Disrtict- Mahasamund, Chhattisgarh

--- Respondent

For Petitioner/State : Mr. Suryakant Mishra, Panel Lawyer.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

19/06/2019

1. Heard on application (I.A. No. 1) for condonation of delay in filing 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 (PW 1) has clearly stated that she was subjected to rape by the respondent-accused continuously from March 2016 till lodging of FIR in the year 2017, after going through the evidence of the prosecutrix, we find that the prosecutrix is a major and had long standing affair with the respondent-accused and FIR came to be lodged only when a dispute arose between them. In this background, learned trial Court's view that present appears to be a case of consent is a plausible and possible view. Given a limited scope of interference with the judgment of acquittal. We do not find any ground for grant of leave to appeal.
5. The prayer for grant of leave to appeal is therefore rejected.
6. The petition is accordingly dismissed.

Sd/-

**(Manindra Mohan Shrivastava)
Judge**

Sd/-

**(Rajani Dubey)
Judge**