

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 255 of 2019

- Smt. Sunita Thakur, W/o Shri Maniram Thakur, Aged About 33 Years, R/o Village Jhagarhindih, Police Station Sankra, Tahsil and District : Mahasamund, Chhattisgarh

---- Appellant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Mahasamund, Civil and Revenue, District : Mahasamund, Chhattisgarh
- Pankaj Kumar Jha, S/o Shri Permanand Jha, Aged About 37 Years, R/o Village Bangaon, Police Station Bangaon, District Sahsa (Bihar) Presently R/o Ayodha Nagar, Mahasamund, Chhattisgarh

---- Respondents

For Appellant	:	Shri Rishi Sahu, Adv.
For Respondent/State	:	Shri Suryakant Mishra, PL

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board by Hon'ble Smt. Justice Rajani Dubey

25.06.2019

1. The complainant has preferred this Acquittal Appeal to assail the legality and validity of the judgment passed by Special Judge, Scheduled Caste Scheduled Tribe(Prevention of Atrocities Act), Mahasamund, District – Mahasamund, C.G., acquitting the respondent No.2, from the charges under Sections 376(2)(n) and 506 B of the IPC and Section 3(2)(v) of the SC & ST (Prevention of Atrocities Act), 1989.
2. Learned counsel for the appellant submits that the trial Court has wrongly acquitted by giving benefit of doubt to the respondent/accused, the learned trial Court committed illegality and perversity in granting acquittal to the respondent/accused, ignoring the clinching evidence on record.

3. We have gone through the entire judgment of acquittal and the evidence led by the prosecution and particularly that of the prosecutrix, taking into consideration that the prosecutrix has admitted in her cross examination that she is a married lady and mother of two children, these materials on record led the trial Court to record findings that present appears to be a case of consent and particularly that prosecutrix is a major lady,
4. 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.
5. For all the above stated reasons we are satisfied that the trial Court has not committed any illegality or perversity while acquitting the accused of the charges under Sections 376(2)(n) and 506 B of the IPC and Section 3(2)(v) of the SC & ST (Prevention of Atrocities Act), 1989. There is no substance in this appeal which falls and is hereby dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge