

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 957 of 2019

- The State of Chhattisgarh, Through Police Station Dhamtari, District : Dhamtari, Chhattisgarh

---- Petitioner

Versus

- Nohar Sahu, S/o Faguram Sahu, Aged About 27 Years, R/o Nayapara Gokulpur, Dhamtari, Police Station City Kotwali, Dhamtari, District : Dhamtari, Chhattisgarh

---- Respondent

For Petitioner/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 Shri Justice Manindra Mohan Shrivastava

18.06.2019

1. Heard on application for grant of leave to appeal.
2. Learned counsel for the State would stress upon the evidence of prosecutrix (PW-6) to challenge the impugned judgment of acquittal on the submission that the prosecutrix has clearly stated regarding commission of rape on her by the respondent/accused.
3. After going through the impugned judgment and the prosecution evidence, particularly the entire evidence of the prosecutrix(PW-6) herself, there is a clear admission of she having a long standing love affair with the respondent/accused. In this back ground the appreciation of evidence on record by the learned trial Court that present appears to be a case of consent, in our opinion, could not be said to be suffering from any patent illegality and perversity so as to warrant interference by this Court, keeping in view 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.
4. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge