

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 996 of 2019

- State Of Chhattisgarh Through Police Station A J K Jagdalpur, District Bastar Chhattisgarh

---- Petitioner

Versus

- Mohan Singh Kshatriya S/o Shri Narayan Singh Aged About 25 Years Occupation Contractor Mason , R/o Sai Nagar Near Sudaaur Bus Stand Panna, Police Station Panna, District Madhya Pradesh, Presently Residing At- Village Bakawand Near H P Gas Agency, Chowki Bakawand, District Bastar Chhattisgarh

---- Respondent

For Petitioner / State : Shri Avinash K. Mishra, Panel Lawyer

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Rajani Dubey

Order On Board

24/06/2019

Heard on I.A.No.1, application for condonation of delay in filing instant CrMP.

Upon consideration, the application is allowed. Delay is condoned.

Also heard on application for grant of leave to appeal.

Though learned State counsel would submit that the prosecutrix (PW5) stated regarding commission of rape on her by the respondent / accused, after going through the evidence of the prosecutrix, we find that even according to the prosecutrix, she had an affair with the respondent / accused and thereafter, the respondent married with her and then they started residing together as husband and wife. A dispute arose between them because later on, the respondent / accused developed relation with another woman and reports were lodged. On the face of such evidence of the prosecutrix, the view taken by the learned Trial Court that a case of commission of offence under Section 376 IPC is not made out, does not warrant any interference having limited scope of interference with the judgment of acquittal.

The application for grant of leave to appeal is therefore rejected. The present CrMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge