

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1473 of 2019**

- State Of Chhattisgarh Through Police Station Marwahi, District Bilaspur Chhattisgarh

---- Petitioner

Versus

- Mohd. Mushtaq @ Bunti S/o Late Mohd. Iqbal Aged About 26 Years R/o Shahdol, Purani Basti, Near Durga Mandir, Police Station Kotwali, District Shahdol Madhya Pradesh

---- Respondent

For Petitioner/StateMr. Neeraj Mehta, Panel Lawyer

**DB: Hon'ble Mr. Justice Prashant Kumar Mishra &
Hon'ble Mr. Justice Gautam Chourdiya**

Order On Board By**Prashant Kumar Mishra, J****1/7/2019**

1. The default having been removed by filing necessary papers, we have proceeded to hear learned counsel for the State on the application (IA No.1) for condonation of delay as also on admission.
2. On due consideration, IA No.1, an application for condonation of delay of 206 days in filing the application for leave to appeal against the judgment of acquittal, is allowed and the delay is condoned.

3. The trial Court vide its judgment dated 19.7.2018 passed in Sessions Trial No.8/2018 has acquitted the accused from the charges under Sections 365, 376 & 506 Part-II of IPC.
4. The prosecutrix is a married lady aged about 22 years. Though the report was lodged by the husband of the prosecutrix alleging that the accused has abducted her and committed forceful sexual intercourse but her deposition would reveal that she had gone along with the accused with her own child and visited several places like Manendragarh, Shahdol and Jablapur. They stayed together for a number of days. At the end of her statement, in para 8 of her cross-examination, the prosecutrix would admit that whatever happened with her was with her consent.
5. Considering the nature of evidence, we are not inclined to take any different view than the one taken by the trial Court.
6. No case for grant of leave to appeal is made out.
7. The CRMP is dismissed.

Sd/-

(Prashant Kumar Mishra)

Judge

Sd/-

(Gautam Chourdiya)

Judge