

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1470 of 2018

- State Of Chhattisgarh Through Police Station Ajak Bilaspur District Bilaspur Chhattisgarh

---- Petitioner

Versus

1. Mo. Istihak Quraishi @ Sonu S/o Mo. Ishak Quraishi Aged About 22 Years R/o Etma Nagar, Police Station Bango District Korba Chhattisgarh
2. Mo. Ishak Quraishi S/o Mo. Yaqub Quraishi Aged About 49 Years R/o Etma Nagar, Police Station Bango District Korba Chhattisgarh
3. Rehana Begam W/o Mo. Ishak Quaraishi Aged About 47 Years R/o Etma Nagar, Police Station Bango District Korba Chhattisgarh

---- Respondent

For Petitioner/State : Shri Anand Verma, Dy.G.A.

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

Hon'ble Smt. Justice Rajani Dubey

Order On Board

07/05/2019

Heard on I.A.No.1/18, application for condonation of delay in filing appeal.

Upon due consideration, the application is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Though learned State counsel would argue that the acquittal of the respondent is contrary to the evidence of commission of offence of rape on false pretext and by cheating the prosecutrix with regard to the actual religion of respondent / accused, after going through the evidence of the prosecutrix, we find that she and the respondent / accused had a long standing affair which culminated in solemnization of marriage. She states regarding residing with the accused as his wife for a fairly long time until she was brought back.

The material on record, particularly the evidence of the prosecutrix, renders

possible the defence story of it being a case of consensual affair of the prosecutrix and the respondent No.1 having an affair, getting into marital relationship and then sexual relation. Therefore, there is no scope for interference with the judgment of acquittal. The application for grant of leave to appeal is rejected. Present CrMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge