

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2067 of 2018

- The State Of Chhattisgarh Through -District Magistrate District Gariyaband Chhattisgarh

---- Petitioner

Versus

- Haneef Khan S/o Kadar Khan Aged About 45 Years R/o Kundel, Police Station Fingeshwar District Gariyaband Chhattisgarh

---- Respondent

For Petitioner/State : Shri K.K.Singh, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/01/2019

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

Upon due consideration, application is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Learned State counsel submits that the learned Trial Court has committed patent illegality in acquitting the respondent from the charges even though the prosecutrix has admitted in her evidence that sexual intercourse had happened between them.

We find that the learned Trial Court has found that the prosecutrix has stated regarding she having eloped with the accused and it is said that they have married also.

From the impugned judgment and the evidence which has been placed on record, what is found is that the evidence of the prosecutrix has been meticulously

examined by the learned Trial Court and it has been found that the prosecutrix had gone along with the respondent and stayed with him for a fairly long time.

Taking into consideration that the prosecutrix's own conduct of having remained away with the accused for a long period and also the evidence of solemnization of marriage, view has been taken that it appears to be a case of consent. The State has not taken any ground that the prosecutrix was minor and infact, it is not a case of the prosecution that the prosecutrix was minor. Therefore, no case is made out for interference by this Court. This petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge