

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1492 of 2017

- State Of Chhattisgarh Through The Police Out Post Dokda, Police Station Kansabel, District – Jashpur, Chhattisgarh

---- Petitioner

Versus

- Arun Khalkho, S/o Virendra Khalkho, Aged About 26 Years, R/o Village Jamaikela, Police Outpost Dokda, Police Station Kansabel, District Jashpur, Chhattisgarh

---- Respondent

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

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

19.06.2019

1. Heard on application for grant of leave to appeal.
2. Learned counsel for the State submits that the prosecutrix has clearly stated regarding she having been subjected to rape by the respondent/accused over long period in the name of affair.
3. We have gone through the entire judgment of conviction and evidence led by the prosecution, particularly that of the prosecutrix and find that even according to the prosecutrix she and the respondent/accused had a long standing affair which included physical relations. There is no statement of the prosecutrix that all was done on false pretext of marriage. Therefore, the view which has been taken by the learned trial Court that the ingredient of offence of rape was not made out does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view the 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.
5. Records of the Court below be send forthwith.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge