

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2431 of 2018

- State Of Chhattisgarh Through Police Station- City Kotwali, Mungeli, District- Mungeli, Chhattisgarh

---- Petitioner

Versus

- Suraj Mandavi S/o Late Shivshankar Singh Mandavi Aged About 25 Years R/o Village- Birgaon, Police Station- Jarhagaon, District- Mungeli, Chhattisgarh

---- Respondent

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

Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/01/2019

Heard on application for condonation of delay in filing the appeal.

Upon due consideration, application is allowed.

Delay is condoned.

Also heard on prayer for grant of leave to appeal.

Learned State counsel submits that even though the prosecutrix has stated regarding long affair between the prosecutrix and the accused, the prosecutrix had been giving assurance by the respondent / accused that he would be marrying her. Therefore, present is a case obtaining consent by deceit and promise of marriage and therefore, it cannot be said to be free consent.

We have gone through the impugned judgment and the statement of the prosecutrix.

Learned Trial Court has meticulously examined and analysed the evidence of the prosecutrix to come to the conclusion that the prosecutrix being major, had long standing affair and the prosecutrix and the accused had entered into sexual relations

frequently since long and no report was lodged. We have also gone through the evidence of the prosecutrix (PW2) which shows that even according to the prosecutrix, she had a long standing affair and physical relations with the respondent / accused and it was later on that when accused married someone else that the prosecutrix for the first time, lodge the report.

The view which has been taken by the learned Trial Court, it cannot be said that any patent illegality or perversity has been committed so as to warrant interference by this Court against judgment of acquittal. The application for grant of leave to appeal is rejected. The petition is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajani Dubey)
Judge