

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2459 of 2018

- State of Chhattisgarh, Through The Station House Officer, Police Station- Dabhra, District- Janjgir- Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

Rajesh Kumar Chouhan S/o Dorilal Aged About 27 Years R/o Naresh Nagar, Sarangarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondent

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

22.01.2019

1. Heard on application for condonation of delay in filing appeal.
2. Upon due consideration, the application is allowed.
3. Delay is condoned.
4. Also, heard on application for grant of leave to appeal.
5. Learned counsel for the State submits that the manner in which the prosecutrix was treated by the respondent/accused shows that it was only because of the false pretext that she had consented for sexual intercourse, followed by marriage and followed by dispute.
6. We have gone through the entire judgment of acquittal and evidence led by the prosecution witness and particularly that of PW-2, who, in her evidence, has admitted that the respondent/accused was her first husband and she had married with him four years before marriage and then a dispute arose between them and he stopped cohabiting with her and then she lodged the following report in the police station.
7. Taking into consideration the aforesaid evidence of the prosecutrix herself the learned Trial Court has come to the conclusion that no case of rape under Section 376 of the IPC, has been made out

8. The view which has been taken by the learned Court does not appear to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view that 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.
9. Accordingly, CRMP is dismissed at the admission stage itself.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge