

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 2590 of 2019

- State of Chhattisgarh Through its Station House Officer, Police Station Bemetara, District Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Appellant

Versus

- Rajkumar @ Raju Verma S/o Peelooram Verma, Aged About 34 Years, Village Bajar, Atariya, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Appellant/State – Shri K. K. Singh, Govt. Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2019

Heard on the prayer for grant of leave to appeal against the judgment of acquittal dated 06-03-2019 by which the respondent/accused has been acquitted of charges of commission of offence under Section 376, 323 and 506-B of the IPC.

Learned counsel for the State would argue that learned Court below has committed patent illegality and perversity in granting acquittal to the respondent/accused even though the prosecutrix (PW-2) has clearly deposed that she was subjected to rape by the respondent/accused. Learned counsel for the State would contend that the Court below was dissuaded by the fact that the prosecutrix is a major lady and had gone to meet the respondent/accused on a call given by him. It was further submitted that the Court below ignored that there was evidence of abrasions also found on the body of the prosecutrix.

We have heard learned counsel for the State and gone through the evidence on record particularly that of the prosecutrix (PW-2).

The evidence of the prosecutrix (PW-2) even if it is taken as it is shows

that the prosecutrix was well known to the respondent/accused and they used to talk over mobile, evidence also given on record that the prosecutrix went to meet the respondent/accused on a call given by him. The incident has been reported after 10 days. The evidence of the prosecutrix (PW-2) with regard to manner in which the sexual intercourse was performed between the parties has led learned Court below to come to conclusion that the prosecutrix, aged 30 years, to be a consenting party for the purpose. The Court below in reaching this conclusion also taken into consideration the delay in filing report and the explanation has not found to be satisfactory. The view which has been taken by the learned trial Court, in our consideration, appears to be possible and plausible view, particularly taken into consideration the circumstances which have been noted by the learned trial Court. Therefore, there is no scope for interference with the impugned judgment of acquittal and the application, therefore, is rejected.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Rajendra Chandra Singh Samant)
Judge