

HIGH COURT OF CHHATTISGARH, BILASPUR

Cr.M.P. No. 2594 of 2019

- State Of Chhattisgarh Through Police Station Pamgarh, District Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

- Bhupendra Bhargav S/o Manharan Bhargav Aged About 24 Years R/o Village Daraiha, Police Station Pamgarh, District Janjgir-Champa, Chhattisgarh

---- Respondent

For Petitioner/State : Mr. Avinash Choubey, Panel Lawyer.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-12-2019

1. Heard on application for grant of leave to appeal has been filed against the impugned judgment of acquittal, by which the learned trial Court has acquitted the respondent/accused of charges of commission of offence under Section 376 of I.P.C.
2. Learned counsel for the State would argue that the Court below has committed patent illegality and perversity in granting acquittal to respondent without duly appreciating that the purpose of sexual intercourse by the respondent/accused with the prosecutrix was on false pretext of marriage, which cannot be said to be a free consent.
3. We have gone through the evidence on record particularly that of the prosecutrix (P.W.-3). In her examination-in-chief, she has clearly stated that she was maintaining relation with the accused since two years. Further statement is that a quarrel had taken place between them and therefore, out of anger she has lodged report in the Police Station. After

having been declared hostile, she states that she was maintaining physical relationship with respondent/accused since one month.

4. The prosecution case is that the consent was not free but was obtained on the basis of false pretext of marriage, which does not appear to be reflected from reading of the evidence of the prosecutrix.
5. For these reasons, the learned trial Court has reached to the conclusion that the prosecution has failed to prove its case beyond reasonable doubt. We do not find any good ground to interfere with the impugned judgment of acquittal and also considering that there is limited scope against the judgment of acquittal. Therefore, no case is made out and application is rejected.

Sd/-

(Manindra Mohan Shrivastava)

Judge

Sd/-

(R.C.S. Samant)

Judge