

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 121 of 2019

State Of Chhattisgarh Through its Station House Officer, Police Station
Khamtarai District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

Chandan Pandey S/o Late Uma Shankar Pandey Aged About 25 Years R/o
Village Biruha Police Station Bahalganj ,district Gorakpur Uttar Pradesh.
Presently R/at The House Of Ramayan Verma Ram Jaanki Mandir Rameshwar
Nagar ,bhanpuri ,police Station Khamtarai District Raipur Chhattisgarh., District
: Raipur, Chhattisgarh

---- Respondent

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

**D.B. : Hon'ble Mr. Justice Manindra Mohan Shrivastava &
Hon'ble Mrs. Justice Rajani Dubey**

Order On Board

19/02/2019

1. Heard on IA No.1, application for condonation of delay in filing the appeal.
2. Upon due consideration of the grounds urged in the application, we are inclined to allow the same. Accordingly, the application is allowed. Delay in filing the appeal is condoned.
3. Heard on prayer for grant of leave to appeal.
4. Learned counsel for the State/appellant would argue that the acquittal of respondent is swayed more by the fact that the prosecutrix is major but without properly appreciating the evidence that the respondent-accused had maintained relations with the prosecutrix for three years and kept on exploiting her on the pretext of marriage and later on, he rescinded and did not marry, therefore, it could not be said to be a case of free consent but consent obtained by deceit.
5. We have gone through the impugned judgment and the evidence on record

particularly that of the prosecutrix (PW3), a major. She has deposed that she had a longstanding affair and relation including sexual relation with respondent-accused for three years and the report was lodged at the time when she became pregnant. In her cross-examination, she has admitted that their relations were longstanding and with her consent. She has also admitted that Rs.5 lakh was demanded for maintenance of the child and an occasion arose to lodge report in the police station when amount was not given.

6. Considering the aforesaid evidence of the prosecutrix, the learned trial Court has taken view that present is a case of consent and not a case of rape. The evidence which we have discussed hereinabove, has been made a basis to form a view that it is a case of consent. The view taken by the learned trial Court is quite possible. Merely because another view is also possible in the matter, we would not venture to exercise our appellate jurisdiction keeping in view the limited scope of interference against judgment of acquittal.
7. Therefore, no case for grant of leave to appeal is made out.
8. The petition is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Rajani Dubey)
Judge