

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1312 of 2020

State Of Chhattisgarh Through Police Station Pondi, District Korea
Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Applicant

Versus

Haridas @ Hari @ Hariom Chaudhary S/o Sri Rajuram Chaudhary Aged
About 32 Years R/o Village Jogitola , Police Station Kotma, District Anuppur
Madhya Pradesh., District : Anuppur, Madhya Pradesh

---- Respondent

For applicant : Shri K.K. Singh, Govt. Advocate

**D.B. : Hon'ble Shri Justice Manindra Mohan Shrivastava &
Hon'ble Smt. Justice Vimla Singh Kapoor**

Order on Board

05/11/2020

Heard.

1. An application for grant of leave to appeal (CRMP) along with application for condonation of delay has been moved by the State, against judgment of acquittal dated 6th March 2020 passed by learned trial Court.
2. Even if we are inclined to condone the delay, we do not find any merit in the appeal warranting grant of leave because after having gone through the impugned judgment of learned trial Court, we are satisfied that learned trial Court, before arriving at a finding of fact that the accused cannot be said to have entered into sexual relation on the pretext of marriage, is based on complete and minute reading and assessment of evidence on record particularly that of the prosecutrix (PW3) herself. In order to come to the conclusion, learned trial Court has taken into consideration what has been stated in para-5 of the examination of the prosecutrix on a leading

question put up by the prosecution itself denying suggestion that before entering into sexual relation, any false pretext of marriage was advanced by the accused. Therefore, the ultimate conclusion of learned trial Court that the prosecution has failed to prove beyond reasonable doubt that the accused entered into sexual relation on false pretext of marriage does not suffer from perversity or patent illegality of such a nature which should warrant interference against judgment of acquittal, given the limited scope of interference against judgment of acquittal based on well settled principles judicially evolved in plethora of decisions of the Supreme Court and this Court.

3. Therefore, all the applications are rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge