

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1351 of 2020

State Of Chhattisgarh Police Station Ambagarh Chowki District Rajnandgaon
Chhattisgarh

---- **Petitioner**

Versus

Laxman Sinha S/o Bahur Singh Sinha Aged About 37 Years R/o Semher Bandha,
P.S. Ambagarh Chowki, District Rajnandgaon Chhattisgarh

---- **Respondent**

For State/Petitioner : Mr. K.K. Singh, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

24/11/2020

Heard on application for grant of leave to appeal.

1. Learned State counsel would argue that learned Trial Court has not correctly appreciated and analysed the prosecutrix's evidence. He would submit that a solitary and stray statement of consent could not be treated as free consent of the prosecutrix. He would submit that the prosecutrix was also stated to be a mentally retarded lady but learned Trial Court has insisted on unwarranted evidence of the prosecutrix.
2. We have gone through the impugned judgment and also the evidence particularly that of the prosecutrix. Learned trial Court while coming to the conclusion that it is a case of consent has taken into consideration the age of the prosecutrix, absence of any specific evidence with regard to mental unfitness of the prosecutrix and the prosecutrix's own statement regarding consensual sexual intercourse. The matter was reported to the police only after prosecutrix became pregnant. Therefore, view taken by learned trial Court appears to be a plausible view based on complete analysis of all relevant material brought on record. On the totality of the consideration of the material, we do not find present it to be a fit case for grant of leave to appeal, keeping in view of settled legal principles with regard to limited scope of interference with judgment of acquittal.
3. Therefore, the present CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge