

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 1452 of 2020

- The State Of Chhattisgarh Through District Magistrate Bemetara Chhattisgarh. ---- **Petitioner**

Versus

- Niranjan Ram S/o Vipta Ram Aged About 29 Years R/o Village of Procecutrix, Police Station Bagicha, District Jashpur, Chhattisgarh. ---- **Respondent**

For the Petitioner/State :- Mr. K.K. Singh, GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava J.
14.12.2020

Heard on prayer for grant of leave to appeal.

2. There is application for condonation of delay (IA No.1) in this appeal.

3. Learned State counsel while praying for condonation of delay had also argued on the merits of the case by submitting that even though the prosecutrix clearly stated that the accused committed rape on her, learned trial Court has acquitted the accused by giving benefit of doubt, treating it to be a case of consent.

4. Even if we condone the delay, after going through the evidence on record particularly that of the prosecutrix, we are of the opinion that present is not a fit case for grant of leave to appeal.

The evidence of the prosecutrix shows that prosecution and the accused had been in a sexual relationship and later on the

prosecutrix has also resided with the accused for sometime. The occasion to file report arose when according to the prosecutrix the accused was obstructing performance of the marriage of the prosecutrix elsewhere. The evidence of the prosecutrix does not show that the sexual intercourse began on the false pretext of marriage. Therefore, in our considered opinion, present is not a fit case for grant leave to appeal, giving the limited scope of interference against judgment of acquittal.

5. Accordingly, the application for grant of leave to appeal is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay