

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 47 of 2020**

- State Of Chhattisgarh Through - Police Station - Sonhat, District - Koriya Chhattisgarh.

---- Applicant

Versus

- Virendra Singh S/o Shri Rana Pratap Singh Aged About 21 Years Resident Of Village - Amra, Police Station Sonhat, District Koriya Chhattisgarh.

---- Respondent

For Applicant-State :- Shri Avinash Choubey, PL

**Hon'ble Shri Justice Prashant Kumar Mishra &
Hon'ble Shri Justice Gautam Chourdiya
Order On Board**

By**Prashant Kumar Mishra, J.****10/01/2020**

1. On due consideration delay of 60 days in filing of the Cr.M.P. is condoned. Accordingly, I.A. No.01 application for condonation of delay occurred in filing of the Cr.M.P. is allowed.
2. The trial Court has acquitted the accused of the charges

under Sections 366, 376 of the I.P.C.

3. Prosecutrix, aged about 20 years at time of offence was in love with the accused. They had consensual sexual relation, as admitted by her in her deposition duly supported by her friend PW-1 Chanda on this aspect. Both these witnesses would clearly admit that the prosecutrix and the accused used to meet frequently and were in love with each other. The prosecutrix would admit that if the accused would have continued the relation she would have not lodged the FIR. It is also proved in evidence that they are close relative, therefore, the accused used to frequently visit the house of the prosecutrix.
4. Considering the evidence, the finding recorded by the trial Judge while acquitting the accused of the charges does not appears to be perverse. No case for grant of leave to appeal is made out.
5. Accordingly, the Cr.M.P. deserves to be and is hereby dismissed.

SD/-
(Prashant Kumar Mishra)
Judge

SD/-
(Gautam Chourdiya)
Judge