

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 128 of 2020**

- Ku. Neetu Tirkey D/o Roojbel Tirkey Aged About 32 Years Resident Of Village Baramkela, Present Address Village Puranga, Police Station Chhal, District Raigarh Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through- Station House Officer, Police Station Chhal, District Raigarh Chhattisgarh
2. Gopal Choukse S/o Shri Jagdish Choukse Aged About 25 Years Resident Of Village- Sithara, Bandhara, Police Station- Dharamjaigarh, District- Raigarh Chhattisgarh

---- Respondent

For Appellant	:	Shri S.V. Purohit, Advocate
For State	:	Shri Lalit Jangde, Dy.G.A.

D.B.:- Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****13/07/2021**

Heard on admission.

Learned counsel for the appellant would argue that even though the prosecutrix (PW1) has stated in her evidence regarding she being subjected to rape repeatedly for a long period against her wishes, learned Court below has acquitted the respondent / accused by giving benefit of doubt.

2. We have gone through the impugned judgment and evidence on record.

3. Learned Court below has taken into consideration the material omission in the case diary statement, age of the prosecutrix, very long standing relationship between the prosecutrix and the accused and lack of proper evidence with regard to case of the prosecutrix of there being no free consent. Scope of interference with the judgment of acquittal is limited. Therefore, this appeal has no merit and is accordingly dismissed.

Sd/-

Sd/-

(Manindra Mohan Shrivastava)
Judge

(Vimla Singh Kapoor)
Judge