NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 322 of 2020

- State Of Chhattisgarh Through Station House Officer, Police Station Katghora, District : Korba, Chhattisgarh

---- Petitioner

Versus

- Amit Kumar Daharia S/o Late Shri Kanwar Sai Daharia Aged About 22 Years R/o Qr. No. 212 Dhelwadih, Police Station Katghora, District : Korba, Chhattisgarh

--- Respondent

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

22/03/2021

1. Heard on application for condonation of delay as well as on prayer for grant of leave to appeal.
2. Even if, we are inclined to condone the delay, in the admitted factual position that the prosecutrix is a major and that she has admitted love affair since 2015 and sexual relationship since 2016 and FIR was lodged as late as on 20.08.2018, trial Court has held that the allegation that the accused committed sexual intercourse, on false pretext of marriage, is doubtful. In view of admitted factual position and what has been stated by the prosecutrix in her evidence, the facts stated hereinabove being part of the admission on the part of the prosecutrix with regard to her age, length of their relationship and point of time FIR was lodged, the view taken by the learned trial Court does not appear to be against any settled legal position, perverse or suffering from any patent illegality. We have gone through the impugned judgment, particularly the minute scrutiny of the evidence by the learned trial Court to come to the conclusion that the prosecution case appears to be doubtful. Therefore, there is no scope of interference against judgment of acquittal. Therefore, the application is rejected.
3. The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge

Ravi