

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 284 of 2021

- State Of Chhattisgarh Through Its Station House Officer, Police Station Darima, District Surguja Chhattisgarh., District : Surguja (Ambikapur) (CG). ----- **Petitioner.**

Versus

- Sarju Das S/o Chandar Das Aged About 38 Years R/o Village Turna, Police Station Darima, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh ----- **Respondent.**

For the State :- Mr. Mateen Siddiqui, Dy. AG.

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

Order on Board by Justice Manindra Mohan Shrivastava, J.
15.03.2021

Heard on prayer for grant of leave to appeal as well as application for condonation of delay.

Even if we were inclined to condone the delay, there is no merit in the prayer for grant of leave to appeal because the statement of the prosecutrix, as has been elicited in her cross-examination, she had gone along-with the appellant of her own volition, stayed in the house of her aunt and informed her that she had solemnized customary marriage with the accused and further that she had ended up in her statement by saying that the sexual intercourse between the parties was with her consent.

With the aforesaid evidence of the prosecutrix herself, the view taken by the learned trial Court that the prosecution failed to prove that it was a case of rape, can neither be said to be perverse nor suffering from patent illegality. Therefore, there is no merit in this case.

Accordingly, CRMP is **dismissed**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge