

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No.124 of 2020**

Beena Kushuwaha D/o Lal Bahadur Kushuwaha Aged About 24 Years R/o
Village - Pendari (Tanwaripara), P.S. - Wadrafnagar, District - Balrampur-
Ramanujganj Chhattisgarh **---- Appellant**

Versus

1. The State Of Chhattisgarh Through P.S. - Basantpur, Police Out Post -
Wadrafnagar, District - Balrampur-Ramanujganj Chhattisgarh., District :
Balrampur, Chhattisgarh
2. Shiv Kumar Kushuwaha S/o Sukhdev Kushuwaha Aged About 23 Years R/o
Village - Pendari, Tanwaripara, P.S. - Basantpur, District - Balrampur-
Ramanujganj Chhattisgarh., District : Balrampur, Chhattisgarh
---- Respondents

For Appellant	:	Shri A.K. Prasad, Advocate
For Respondent/State	:	Shri Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****26.08.2021**

Heard.

1. According to learned counsel for the appellant, the evidence of the prosecutrix clearly makes out a case of obtaining consent on false pretext of marriage which cannot be said to be free consent and therefore acquittal is patently illegal and perverse.
2. We have gone through the evidence of the prosecutrix and the judgment of the learned trial Court. Admittedly the prosecutrix was major. The evidence of the prosecutrix which has also been considered by the trial Court is that she liked the appellant and they had started meeting until they were seen by villager and panchayat was held in which accused was asked and he accepted that he would marry the prosecutrix and then it has been stated that later on, he started demanding money and when the part of money was given to him, the prosecutrix went along with the appellant and they resided together as husband and wife. In the cross-examination, she admitted that she was willing to have relationship with the

appellant whereas her parents were inclined to get her married according to their own customs and what she has stated in cross-examination only show that at a later stage of the relationship, dispute arose and marriage could not materialized which led to lodging of FIR.

3. On the face of such evidence of the prosecutrix, the finding of learned trial Court that present is a case of consent and that it cannot be said to be a case of consent obtained on false pretext of marriage, does not appear to be suffering from any patent illegality or perversity calling for interference by the learned trial Court, given the limited scope of interference against the judgment of acquittal, therefore, there is no merit in the appeal. The appeal is therefore dismissed. Records of the Court below be remitted forthwith.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge