

HIGH COURT OF CHHATTISGARH, BILASPURCRMP No. 868 of 2019

State Of Chhattisgarh Through District Magistrate District Balrampur -
Ramanujganj Chhattisgarh

---- **Petitioner**

Versus

Mohamed Muslim S/o Niyazuddin Aged About 27 Years R/o Rewtipur,
Police Station Ramchandrapur, District Balrampur Ramanujganj
Chhattisgarh

--- **Respondent**

For Petitioner/State : Mr. Lalit Jangde, Dy. G.A.

D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava

22.02.2021

Heard.

1. There is prayer for grant of leave to appeal against the judgment of acquittal dated 15.11.2018 passed by the Court of learned Additional Sessions Judge, Ramanujganj, District – Balrampur – Ramanujganj (CG) in Sessions Trial No.R/75/2014, by which, the respondent/accused is acquitted of the charges of commission of offences under Sections 450, 376(1), 506 of the IPC.
2. Upon hearing learned counsel for the State we do not find any merit in the application for seeking leave to appeal, because the background of the incident is that the accused and prosecutrix were married, stayed together for many years and there was 'Talak'. The allegation of commission of rape is subsequently made by the prosecutrix on her ex-husband and report was lodged after one month of incident. In the absence

of plausible explanation for lodging report after one month of the incident in the background of they being married earlier having three children, the learned trial Court has found it improbable case of rape and has granted benefit of doubt. For the reasons stated by learned trial Court we find that the view taken by the trial Court is plausible one and which could not be said to be suffering from any patent illegality, perversity so as to warrant interference by this Court, keeping in view the limited scope of interference against the judgment of acquittal. We, accordingly, do not consider present to be a fit case to grant leave to appeal. Accordingly, application is rejected.

3. CRMP is accordingly closed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge