

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 420 of 2021**

- State Of Chhattisgarh Through P.S. Gariyaband, District : Gariyabandh, Chhattisgarh

---- Petitioner**Versus**

1. Vedprakash Koushal S/o. Late Ganpatram Koushal, Aged About 20 Years R/o. Mahamaya Chowk Ghutheli, P.S. Pathariya, District : Mungeli, Chhattisgarh
2. Hemant Kumar Rajput S/o. Phirturam Aged About 35 Years R/o. Mahamaya Chowk Ghutheli, P.S. Pathariya, District : Mungeli, Chhattisgarh

--- Respondents

For Petitioner/State : Shri K. K. Singh, Govt. Advocate

Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Shri Justice Narendra Kumar Vyas****Order on Board****Per Manindra Mohan Shrivastava, Judge****08.04.2021**

Heard on I.A. No.1/2021, prayer for condonation of delay.

As per the office report, application for condonation of delay is not required. The application, therefore, is unnecessary.

On the prayer for grant of leave to appeal, learned counsel for the State would argue that even though prosecutrix has stated in her Court evidence and also in 164 Cr.P.C. statement regarding, she having sexual intercourse with the accused, even prior to the date of lodging of F.I.R. i.e. 11.03.2016, the trial Court has committed gross illegality and perversity in disbelieving this evidence.

On the aspect of age, the trial Court has recorded the finding that on the date of lodging of report i.e. 11.03.2016, the prosecutrix was 18 years 10 months of age.

The prosecutrix's evidence of she subjected to rape by the accused even

prior to the lodging of the F.I.R. has been disbelieved on three grounds. Firstly, in the written report there is no whisper of any physical relationship with the accused prior to the lodging of the F.I.R. Secondly, the prosecutrix did not disclose this to anyone, particularly when, according to her, the accused had given her assurance of marriage. Thirdly, the prosecutrix has not given specific details of her relationship with the accused prior to the date of lodging of F.I.R.

In our considered opinion, the reasons which have been assigned by the learned trial Court for disbelieving prosecutrix's versions are neither extraneous nor irrelevant because the view which has been taken by the learned trial Court is plausible and possible. Merely, because there is possibility of another view, interference is not warranted against the judgment of acquittal in view of the settled legal positions with regard to limited scope of interference against the judgment of acquittal. In the result, we do not find any merits, the petition therefore, is dismissed.

The Cr.M.P. is, accordingly, disposed off.

Sd/-

Manindra Mohan Shrivastava)
Judge

Sd/-

(Narendra Kumar Vyas)
Judge