

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No.793 of 2020**

State Of Chhattisgarh Through The Incharge, Police Station Kotwali,
District Raigarh Chhattisgarh

---- Petitioner**Versus**

Vinod Yadav S/o Sukeshan Yadav Aged About 26 Years R/o Village
Darramuda Chowki Jute Mill, Raigarh, District Raigarh Chhattisgarh.,

---- Respondent

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****09/02/2021**

Heard on application for grant of leave to appeal as also for condonation of delay in filing application.

1. Even if we were inclined to condone delay in filing application, we do not find any merit in the prayer for grant of leave to appeal because learned Trial Court in order to come to the conclusion that prosecution has failed to prove its case beyond reasonable doubt has taken into consideration that there was long standing relationship between the accused and the prosecutrix for about 4 to 5 years and the prosecutrix is a major. Further considerations are that the relationship between the accused and the prosecutrix came into the light only when prosecutrix became pregnant and the cognizance of the situation was taken by the village panchayat followed by meeting in which accused admitted his relationship and biological parentage of the child in the womb and as far as marriage is concerned, it would be decided by his father. The Court below has also taken into consideration that the appellant has also taken steps for towards solemnization of marriage with the prosecutrix under special marriage Act and document to that effect have been placed. Taking into consideration the totality of these proved circumstances, the trial Court has come to the conclusion that it cannot be said to be a case of committing sexual intercourse on false pretext of marriage when the accused was not even given time to perform marriage and immediately FIR was lodged. Therefore, no case is made out for grant of leave to appeal. The application for grant of leave to appeal is therefore dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge