

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 565 of 2021**

- The State Of Chhattisgarh Through Police Station Jamul, District : Durg, Chhattisgarh

---- Petitioner**Versus**

- Anil Diwakar S/o Ramchandra Diwakar Aged About 25 Years R/o Ghasidas Nagar, Jamul, District : Durg, Chhattisgarh

--- Respondent

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

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****22/06/2021**

1. Heard on prayer for grant of leave to appeal.
2. Though learned State Counsel would argue that the acquittal has been ordered even though the prosecutrix has stated in the Court regarding commission of offence of rape on her, the learned trial Court has acquitted the accused by giving benefit of doubt that the prosecutrix is a major lady and not a minor and the FIR has been lodged after about 5 months delay for which no satisfactory explanation has been offered by her. Moreover, the trial Court has also taken notice of the fact that there is contradiction in statement of prosecutrix and her husband as to who prepared the written report. The learned trial Court has also taken into consideration the documentary evidence Ex. D-1 filed by the accused which the prosecutrix sought to avoid only when she was confronted with the said document in the Court examination. The learned trial Court noticed that the prosecutrix version that signature were obtained on blank paper was not complained either while lodging report or even when her statement under Section 164 Cr.P.C. was recorded. Taking into consideration the cumulative effect of these circumstances, the learned trial court found the case of prosecution doubtful and it being possibly a case of consent.
3. The view which has been taken by learned trial Court does not suffer from any patent illegality or perversity, particularly when the learned trial Court has

minutely scrutinised the evidence, discrepancies in the light of various judicial pronouncement of the Apex Court governing principles applicable in such cases. Given limited scope of interference, we are not inclined to grant leave to appeal. Therefore, the application is rejected.

4. The CRMP is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge