

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1428 of 2019

State Of Chhattisgarh Through Station House Officer, Police Station
Balrampur District- Balrampur-Ramanujganj, Chhattisgarh ---- **Petitioner**

Versus

Dhananjay Soni S/o Shri Chandrabali Soni Aged About 19 Years R/o
Village Alkhadiha, Poliec Station Balrampur, District- Balrampur-
Ramanujganj, Chhattisgarh ---- **Respondent**

For State/Petitioner : Mrs. Fouzia Mirza, Additional A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

23/02/2021

Heard.

Even if we were inclined to condone the delay in filing acquittal appeal,
we do not find any merit in this case.

The acquittal of the accused is ordered taking into consideration that the prosecutrix is a major, in the night the accused had knocked the door and it was opened by the prosecutrix and the occasion to lodge report arose when in the night the prosecutrix was seen in compromising situation by her brother-in-law. Learned trial Court has also taken into consideration that the evidence of her husband and even the children that they were knowing about the relationship between the prosecutrix and the accused meaning thereby they had long standing physical relationship and therefore, it cannot be a case of rape but possibly a relationship with consent. The view which has taken by learned trial Court is probable and plausible and therefore, no interference is warranted.

The CRMP is accordingly dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge