

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 866 of 2014

State Of Chhattisgarh Through SHO, PS Kusmi, Distt. Balrampur-Ramanujganj, C.G. , Chhattisgarh

---- Petitioner

Versus

Maneshwar Baik S/o Jagdeo Baik Uraon Aged About 22 Years R/o Village Nawadiha, PS Kusmi, Distt. Balrampur - Ramanujganj C.G. , Chhattisgarh

---- Respondent

For State/Petitioner : Shri Lalit Jangde, Dy. Govt. Advocate

D.B. :Hon'ble Shri Justice Manindra Mohan Shrivastava & Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

25/01/2021

1. Heard on prayer for grant of leave to appeal.
2. Though learned counsel for the State would submit that acquittal of the respondent is illegal as the prosecutrix in her examination-in-chief has clearly stated regarding commission of rape against her wishes and under a threat by the accused, learned trial Court has granted benefit of doubt to the accused considering it to be an appropriate case of consent in view of what has been observed in her cross-examination, which includes their longstanding love affair as also physical relation in part prior to date of alleged commission of offence. Therefore, the view taken by learned trial Court does not appear to be perverse or suffering from patent illegality, but is quite plausible and possible.
3. Therefore, there is no scope of interference with the judgment of learned trial Court given the limited scope of interference against the judgment of acquittal.

4. The petition (Cr.M.P.) is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Praveen