

HIGH COURT OF CHHATTISGARH, BILASPUR

ACQA No. 155 of 2021

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Versus

1. State Of Cg Through Station House Officer, Sarsiva, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh
2. Trilochan Prasad Lahre S/o Terasram Lahre Aged About 29 Years R/o Sohagpur , Chauki Beladula, Police Station Sarsiva, District Baloda Bazar Bhatapara Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

--- Respondents

For the Appellant :- Ms. Sareena Khan, Adv.
For State/ Res.No.1 :- Mr. Lalit Jagnde, Dy. GA.

Hon'ble Shri Justice Manindra Mohan Shrivastava
Hon'ble Smt. Justice Vimla Singh Kapoor,

Order on Board by Justice Manindra Mohan Shrivastava, J.
29.07.2021

Heard.

This appeal has been filed after the delay of more than 3 years.

3. Learned counsel for the appellant would argue that the accused developed love affair and kept the prosecutrix with him in his house and committed rape stating that he would marry her but later on after the child was born, she was denounced by the accused and he did not solemnize marriage therefore, this is a case of obtaining consent on false pretext of marriage.

4. After going through the impugned judgment we find that the learned Court below has acquitted the accused taking into consideration that the prosecutrix was entangled with the accused since two months prior to 22.04.2014 and stayed with him in his house for about one year and there she was knowing about the accused already married and when the first wife came back the dispute arose.

When accused assured that he would first get divorced from the first wife which she is likely to take sometime, the prosecutrix came back to her parental house and then report was lodged.

5. Even though the DNA test shows that the child was out of the relationship of the prosecutrix with the accused, it is clear from the impugned judgment that the entire facts were fully known to the prosecutrix and she stayed with accused like his wife though she was not legally marriage for a very long time for being more than one year. In these admitted circumstances finding of the Court below that it is not a case of commission of offence of rape does not appear to be suffering from any patent illegality or perversity therefore, no case is made out.

Accordingly, appeal is **dismissed**.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay