

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1119 of 2020**

- State Of Chhattisgarh Through- Police Station Jagdalpur, District Bastar, Chhattisgarh

---- Petitioner

Versus

- Meghnath Kaushik S/o Gudonram Kaushik Aged About 24 Years R/o Rautpara Pandanar, Chowki Batar, Police Station Jagdalpur, District Bastar, 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****23/02/2021**

1. Heard on prayer for grant of leave to appeal.
2. Though learned State Counsel would submit that the prosecutrix has stated regarding commission of rape on her and her date of birth has been accepted as 01.03.2001, accused has been acquitted taking into consideration that on the date of lodging of FIR she was major without taking into consideration other evidence on record which proved that the prosecutrix had been subjected to rape prior to lodging of the FIR.
3. The evidence of the prosecutrix clearly shows that the prosecutrix and the accused were married and after marriage she was residing in the house of the accused and dispute arose when the prosecutrix went to her parental house and after return, her mother-in-law did not allow to enter the house. The FIR has been lodged on 07.03.2019, therefore, considering the overall aspect of the matter, prosecutrix case has been found doubtful and benefit of doubt has been given to the accused. The view taken by the learned trial Court that the accused is entitled to be acquitted by giving benefit of doubt, does not suffer from any patent illegality or perversity so as to call for interference against judgment of acquittal, 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

Ravi