

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1118 of 2020**

- State Of Chhattisgarh Through Police Station Basantpur, Police Outpost Wadrafnagar, District Balrampur Ramanujganj Chhattisgarh

---- Petitioner**Versus**

- Shiv Kumar Kushwaha S/o Sukhdev Kushwaha Aged About 23 Years R/o Village Pendari (Tanwaripara), Police Station Basantpur, District Balrampur Ramanujganj Chhattisgarh

---- Respondent

For Petitioner / State : Shri Anurag Verma, Panel Lawyer

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

Order On Board**03/02/2021**

Heard on prayer for grant of leave to appeal.

Even if we are inclined to condone the delay in filing application for grant of leave to appeal, we do not find that there is any merit in this application.

2. Learned State counsel submits that the prosecutrix has clearly stated in her evidence that when the prosecutrix and the accused were living together in the house of the accused, she was not only subjected to various harassment and torture but also subjected to rape also.

3. After going through the evidence of the prosecutrix and finding of learned Trial Court, we find that in order to believe that it is not a case of rape, learned Trial Court has come to the conclusion that the prosecutrix was aged about 19 years and prosecutrix herself has gone to the house of the accused and stayed with him for a long time of about six months but when some dispute arose and allegedly the prosecutrix was beaten up and unceremoniously shunted out from the house of the accused, report was lodged against other members of his family alleging commission of offence under Section 294, 506, 323 / 34 of IPC and report of

commission of offence of rape was lodged against the respondent / accused. The finding of the learned Trial Court that it appears to be a case of consent and the accused is entitled to be given benefit of doubt, in the backdrop of the aforesaid circumstances, does not appear to be suffering from patent illegality or perversity so as to warrant interference by this Court against judgment of acquittal. This CrMP is, accordingly, dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge