

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No.1267 of 2020

State Of Chhattisgarh Through Police Station Nandghat, District Bemetara
Chhattisgarh., District : Bemetara, Chhattisgarh ---- **Petitioner**

Versus

Kanhaiya @ Bablu Banjare S/o Badriprasad Banjare Aged About 21 Years
Resident Of Village Pendri, Tarenga, Police Station Bhatapara, District
Balodabazar Bhatapara Chhattisgarh ---- **Respondent**

For State/Petitioner : Mr. Lalit Jangde, Dy. G.A.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order On Board

17/08/2021

Heard on prayer for grant of leave to appeal.

1. Though learned State counsel submits that there is evidence led by the prosecutrix that the sexual intercourse between the prosecutrix and the accused for 1 ½ years continued on the false pretext of marriage, we find that learned Trial Court has minutely scrutinized the evidence in this regard and has applied the legal principles in such cases with reference to series of decisions of the Hon'ble Supreme Court to finally come to the conclusion that the prosecution has failed to prove beyond reasonable doubt that it was a case of obtaining consent on the basis of a promise to marry which was false right from the beginning.

2. Therefore, in view of the above, the finding recorded by the trial Court is a possible and plausible view and cannot be said to be suffering from patent illegality or perversity. Mere possibility of another view may not be a ground to assail the judgment of acquittal as the scope of interference in such cases is limited. Therefore, present is not a fit case for grant of leave to appeal. The application for grant of leave to appeal is accordingly rejected.

3. The present CRMP is dismissed.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge