

HIGH COURT OF CHHATTISGARH, BILASPUR**CRMP No. 1287 of 2020**

- State Of Chhattisgarh Through Police Station Jashpur, District : Jashpur, Chhattisgarh

---- Petitioner**Versus**

- Manohar Toppo S/o Athnas Toppo Aged About 26 Years R/o Kadamtoli Jashpur Police Station And District : Jashpur, Chhattisgarh

--- Respondent

For Petitioner/State : Smt. Fouzia Mirza, Additional A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****15/02/2021**

1. Heard on prayer for grant of leave to appeal.
2. We do not find any merit in the petition because even though, examination-in-chief, as argued by learned State Counsel, there is evidence of commission of sexual intercourse, in the cross-examination, it has been elicited that the prosecutrix is a major was having long standing love affair and relationship with the accused for about 5 years prior to lodging of the FIR. Taking into this important circumstance and long standing love affair between the parties, the learned trial Court has come to the conclusion that present appears to be a case of consent. The finding recorded does not suffer from perversity or patent illegality warranting interference against judgment of acquittal, we are not inclined to grant leave to appeal. Therefore, the application is rejected.
3. The CRMP is accordingly dismissed.

Sd/-**(Manindra Mohan Shrivastava)
Judge****Sd/-****(Vimla Singh Kapoor)
Judge**