

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

CRMP No. 428 of 2015

- The State Of Chhattisgarh Through - District Magistrate Bilaspur Chhattisgarh.

---- Petitioner

Versus

- Adarsh Singh Thakur @ Sanni Singh S/o Ajay Singh Thakur Aged About 24 Years R/o Village Lal Khadan P.S. - Torva, District Bilaspur Chhattisgarh.

---- Respondent

For the Petitioner/State :- Ms. Hamida Siddiqui, Dy. AG.

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

Order on Board by Justice Manindra Mohan Shrivastava J.
04.01.2021

Heard on prayer for grant of leave to appeal.

2. There is application for condonation of delay (IA No.1) in this appeal.

3. Even if we condone the delay, in our considered opinion there is no merit in the case.

4. Though learned State counsel would argue that the prosecutrix has stated that she entered into sexual relation with the accused and that relation continued for about one year on the pretext that the accused would marry her, after going through the evidence of the prosecutrix and the impugned judgment of the learned trial Court we find that the learned trial Court in order to come to the conclusion that in the present case the prosecution does not stand in view of long cohabitation of the prosecutrix with the accused and the prosecutrix being a mature lady of about 26-

27 years of age and after taking into consideration that this relation continued for about one year, learned trial Court has minutely scrutinized the evidence also where the prosecutrix has admitted in the cross-examination that she was fully aware of the consequences of physical relationship that she could even become pregnant and that as she and the accused belonged to different caste she could not compel the accused to marry, in our considered opinion, the view taken by the learned trial Court is plausible and possible. Given the limited scope of interference against judgment of acquittal, we do not consider present to be a fit case for grant of leave to appeal.

5. Accordingly, the application for grant of leave to appeal is rejected.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge

Ajay