

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**ACQA No. 631 of 2019**

- Lata Soni D/o Lakhan Soni Aged About 26 Years R/o Village Kosamdih, Tahsil Masturi, District : Bilaspur, Chhattisgarh

---- Appellant**Versus**

1. State Of Chhattisgarh Through Police Station Mulmula, District : Janjgir-Champa, Chhattisgarh
2. Sarvesh Vyas S/o Gendram Vyas Aged About 18 Years R/o Village Kosa, Police Station Mulmula, District : Janjgir-Champa, Chhattisgarh

--- Respondents

For Appellant	:	Mr. Amit Kumar, Advocate.
For State	:	Mr. Mateen Siddiqui, Dy. A.G.

DB : Hon'ble Shri Justice Manindra Mohan Shrivastava**Hon'ble Smt. Justice Vimla Singh Kapoor****Order On Board****30/07/2021**

1. Heard on admission.
2. Learned counsel for the appellant would argue that the acquittal of the accused is outcome of perverse and patent illegal approach of the learned Court below in rejecting case of the prosecution ignoring that the long cohabitation and sexual relationship between the prosecutrix and the accused was outcome of consent on false pretext of marriage. Evidence in this regard has not been properly appreciated.
3. Having gone through the impugned judgment and the submission of learned counsel for the appellant, we find that the learned trial Court has acquitted the accused by giving benefit of doubt after minute scrutiny of the evidence of the prosecutrix that the report was lodged after about 1½ years of the long relationship of the prosecutrix and the accused and both being sufficiently major to understand the consequences and taking into

consideration the decision of Hon'ble Supreme Court in the case of **Uday Vs. State of Karnataka, (2003) SCC (criminal) 775**. The evidence as has been considered by the learned trial Court clearly shows that the prosecutrix was conscious of the fact that her marriage with the accused was difficult on account of caste considerations. There is no specific allegation that the first sexual intercourse was on false pretext of marriage but the allegations are of general nature.

4. Considering the aforesaid material evidence on record, the learned trial Court has acquitted. Mere possibility of another view could not be made a basis to interfere with the impugned judgment of acquittal.
5. The appeal has no merit and is accordingly dismissed.

Sd/-
(Manindra Mohan Shrivastava)
Judge

Sd/-
(Vimla Singh Kapoor)
Judge