

HIGH COURT OF CHHATTISGARH, BILASPUR
CRMP No. 2256 of 2019

- State Of Chhattisgarh Through- Station House Officer, Police Station Kota District Bilaspur Chhattisgarh. **---- Petitioner**

Versus

1. Rahul @ Mukku Kashyap S/o. Ramkrapal Kashyap Aged About 24 Years R/o. Bus Stand Road Belgahana District Bilaspur Chhattisgarh.
2. Ganesh Kashyap S/o. Ramkrapal Kashyap Aged About 33 Years R/o. Bus Stand Road Belgahana District Bilaspur Chhattisgarh.

---- Respondents

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- Mr. Anurag Verma, PL for the State.
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D.B.: Hon'ble Shri Justice Manindra Mohan Shrivastava

Hon'ble Smt. Justice Vimla Singh Kapoor

Order on Board

Per Manindra Mohan Shrivastava, J.

24.02.2021

Heard on IA No. 1 application for condonation of delay in filing of acquittal appeal.

Even if we are inclined to condone the delay there is no merit in this case. Though learned counsel for the State would submit that the prosecutrix has clearly stated that the respondent/accused committed sexual intercourse against her wishes amounting to rape which was opposed by her, from the evidence of the prosecutrix and as the minute scrutiny at the same by trial Court, it is found that the trial Court has granted benefit of doubt and acquitted because the prosecutrix is a major and married lady and she did not report nor disclosed the first incident of alleged rape. According to her, when the second incident of rape took place she disclosed her husband but she herself said that thereafter she was sent to her parental house and from parental house she came back and started living with the accused/Rahul Kashyap. Thereafter, she resided with him for

sometime and then lodged a report. In this background, judgment of acquittal does not appear to be suffering from any perversity or patent illegality warranting any interference in the same.

Accordingly, application is **rejected**.

Sd/-

(Manindra Mohan Shrivastava)
Judge

Sd/-

(Vimla Singh Kapoor)
Judge