

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

HON'BLE THE CHIEF JUSTICE MS. RITU BAHRI  
AND  
HON'BLE SRI JUSTICE ALOK KUMAR VERMA

**24<sup>TH</sup> APRIL, 2024**

**CRIMINAL APPEAL No. 353 OF 2014**

Meenakshi Butola.

...Appellant

Versus

State of Uttarakhand and another.

...Respondents

Counsel for the appellant. : Mr. Himanshu Aswal, learned counsel  
holding brief of Mr. Navnish Negi,  
learned counsel.

Counsel for respondent no. 1. : Mr. J.S. Virk, learned Deputy Advocate  
General for the State of Uttarakhand.

**JUDGMENT** : (per Ms. Ritu Bahri, C.J.)

In the present case, the learned counsel for the State has given a copy of the judgment dated 18.03.2015 passed in SPLA No. 54/2015, whereby the Appeal filed by the State Government, against the judgment of acquittal dated 04.09.2014, has been dismissed.

2. A perusal of the above-said judgment shows that the prosecutrix had sent SMS to the accused after 07.09.2013, and no complaint was made by her, with respect to the alleged rape, after 07.09.2013, and she herself went in the car of the accused on 13.09.2013,

and, thereafter, started living as a tenant in the house of the accused.

3. In the absence of any evidence of sexual assault, and keeping in view the fact that the prosecutrix had sent SMS to the accused after 07.09.2013 also, the benefit of doubt given by the Trial Court, whereby respondent no. 2 herein was acquitted, was justified.

4. This present Criminal Appeal has also been filed by the prosecutrix on the same grounds. Accordingly, this Criminal Appeal is also being dismissed.

5. Pending application(s), if any, also stand disposed of accordingly.

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**RITU BAHRI, C.J.**

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**ALOK KUMAR VERMA, J.**

Dt: 24<sup>th</sup> April, 2024  
Rahul