

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA AD-127 of 2015

Date of Decision: December 24, 2015

Vandana		Appellant
	Versus	
State of Haryana and another		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE GURMIT RAM**

Present : Mr. Angel Sharma, Advocate
for the appellant.

T.P.S.MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 21.9.2015 passed by learned Additional Sessions Judge, Faridabad, whereby, respondent No.2-Vijay Singh (hereinafter referred to as 'the accused') was acquitted of the charges under Sections 366, 376 and 506 IPC.

The case of the prosecution, in nutshell, is that on 9.12.2014 at about 1.00 p.m., the brother of the prosecutrix dropped her in the college for taking examination. At about 5.00 p.m., when her brother went to the college for taking her, she was not found there. Her brother informed her father about the same. An attempt was made by her father and other family members to trace her but in vain. Her father suspected the involvement of his neighbour Vijay Kumar in the kidnapping of the prosecutrix, who was studying in B.A. IInd Year and aged 19/20 years. Further case

of the prosecutrix is that more than 10 days thereafter, i.e. on 20.12.2014, the prosecutrix was recovered from Police Station Ranchi. On the following day, she was produced before the Judicial Magistrate and her statement under Section 164 Cr.P.C. was recorded wherein she stated that she had gone to Ranchi along with her friend as her family members were ought to solemnize her marriage forcibly with someone else. She went to Ranchi for getting a job. Later on, Ranchi police made a telephonic call at Ballabgarh Police Station. She also stated that she was not kidnapped by anyone and had gone to Ranchi of her own. Still further, on 14.1.2015, the prosecutrix got recorded another statement under Section 164 Cr.P.C. to the effect that on 19.12.2014, the accused had taken her to Ranchi on the pretext of marrying her and he had also committed rape upon her. The accused had threatened her and her family members with dire consequences.

After hearing learned counsel for the appellant and on going through the impugned judgment of acquittal passed by the trial Court, this Court finds that the prosecutrix was aged about 19/20 years at the time of occurrence and a student of B.A. IInd year. After being recovered from Ranchi and on being produced before the Judicial Magistrate, where her statement under Section 164 Cr.P.C. was recorded, she had stated that she had

willingly accompanied the accused to Ranchi for getting a job and was not kidnapped by anyone. Rather, it were her family members, who were trying to forcibly marry her with someone else. More than three weeks thereafter, the prosecutrix turned around to make another statement under Section 164 Cr.P.C. before the Judicial Magistrate, wherein she stated that it was the accused, who had taken her to Ranchi on the pretext of marrying her and had also subjected her to rape. Under these circumstances, no implicit reliance can be placed upon the testimony of the prosecutrix when she deposed before the trial Court as PW1 and also in her second statement recorded by the Judicial Magistrate under Section 164 Cr.P.C. of having been kidnapped by the accused and subjected to rape.

The appeal is without any merit and, accordingly, dismissed.

**(T.P.S. MANN)
JUDGE**

December 24, 2015
amit rana

**(GURMIT RAM)
JUDGE**