

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-1154-DB of 2015

Date of Decision : December 10, 2015

Amandeep Kaur

.....Appellant

Versus

State of Punjab and another

....Respondents

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

Present : Mr. P.S. Sekhon, Advocate
for the appellant.

T.P.S. MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 20.5.2015 passed by learned Special Judge, Sangrur whereby respondent No.2-Nirpal Singh, here-in-after referred to as 'the accused', stood acquitted of the charges under Sections 363, 366, 376 and 506 IPC.

In brief, the facts of the prosecution case are that the prosecutrix who was studying in B.A.-II year used to go to the house of the accused to take tuition in Maths. The accused used to tell her that he would marry her. On 25.9.2014 at about 5.00 a.m. when she went to the house of the accused for tuition, he lured her with promise of marrying her. He forcibly took her in a car to the High Court to get married and told her that in case she raised an alarm, he would kill her and her family. However, as it happened to be a holiday at the High Court she was made to sit in the car again

and taken to the house of an acquaintance of the accused in a village where they stayed for the night. The accused apprised his acquaintance that he was getting married to the prosecutrix. During night, the accused committed rape on the prosecutrix. On 26.9.2014, he again took her to the High Court and made her stand outside while he went somewhere. In the meantime, her father, who was looking for her, arrived there. She apprised him about the entire incident. Her father then took her to his house as she was scared on that day, she could not make the statement to the police. However, she made statement before lady ASI Kuljit Kaur on 27.9.2014 wherein she sought legal action against the accused. Accordingly, on the basis of the said statement, FIR No.185 dated 27.9.2014 under Sections 363, 366, 376 and 506 IPC was registered at Police Station Sadar, Dhuri, District Sangrur.

After hearing learned counsel for the appellant and on going through the impugned judgment, this Court finds that the appellant was more than eighteen years of age on the date of commission of crime. In her cross-examination, she testified that on 25.9.2014, i.e. the day when the accused had allegedly abducted her and brought her to Chandigarh, she was pregnant and she had come to know about her pregnancy a week before. She also stated that she had taken medicine for abortion, which was given to her by accused but had not informed her mother or any of her friends

about her pregnancy. She also testified that on 25.9.2014, they stayed in a room on the first floor and the door of the stairs was bolted from outside. Both of them had taken the dinner with the host, in whose house they stayed for the night. She did not object to the accused introducing her as his wife. According to her, she had been threatened by the accused. She also testified that in that house, there was no threat to her and environment in that house was proper. On 26.9.2014 when the accused told her that they were to go to High Court, she got ready on her own.

While deposing as PW2 before the trial Court, the father of the prosecutrix stated that he was not aware about the love affair going on between his daughter and the accused for the last two/three years. He also deposed that when he, alongwith others reached, the parking of High Court, and were parking their vehicle, he saw his daughter standing there, who was carrying certificates with her. Even the prosecutrix admitted about filing a protection petition in the High Court which was signed by her. The accused was not carrying any weapon when he took her to Chandigarh. She further deposed that when she signed the papers and got those papers attested from Notary Public she did not make any attempt to disclose that the accused had brought her forcibly. She also deposed that when she, alongwith the accused, were coming to High Court they got clicked some photographs. Those photographs,

which are on the record as Ex.DD to Ex.DG indicate that they were taken without any resistance of the prosecutrix or threat from the accused. The prosecutrix came to be shown in those photographs as wearing marriage bangles and having put vermilion on her forehead.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal passed by the trial Court.

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

(T.P.S. MANN)
JUDGE

December 10, 2015
satish

(GURMIT RAM)
JUDGE