

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Appeal No.D-1249-DB of 2014 (O & M)
Date of Decision: 11.08.2015

Prabhu Appellant

Versus

State of Punjab and others Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr.Karanjit Singh, Advocate
for the appellant.

S.S. SARON, J.

The appeal has been filed by Prabhu, who is the father of the prosecutrix against the judgment and order dated 21.02.2014 passed by the learned Additional Sessions Judge, Amritsar whereby respondents No.2 to 5 have been acquitted for the offences punishable under Section 376 IPC and under Section 363/366 IPC; besides, Section 4 of the Protection of Children from Sexual Offences Act. Along with the appeal Crl. Misc. No.23701 of 2014 has been filed seeking condonation of 68 days delay in filing the appeal.

During the course of hearing, learned counsel for the appellant submitted that the date of birth of the prosecutrix is 15.03.1996.

The appeal had been filed in this Court on 25.03.2014. Therefore, on the date of filing the appeal, the prosecutrix was a minor and in case she is the 'victim' then she alone was liable to

file the appeal and the appeal filed by her guardian would not be

maintainable.

In the circumstances, learned counsel for the appellant submits that he may be allowed to withdraw the present appeal as also the application for condonation of delay in filing the appeal, without prejudice to the rights of the 'victim' to file a fresh appeal in case the 'victim' so desires.

Accordingly, the application seeking condonation of delay in filing the appeal and the appeal are dismissed as withdrawn which shall be without prejudice to the rights of the 'victim'.

(S. S. SARON)
JUDGE

(P.B. BAJANTHRI)
JUDGE

11.08.2015
A.Kaundal