

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-1355-DB of 2014

Date of Decision : August 11, 2015

Pooja Devi

.....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.L.Singla, Advocate
for the appellant.

T.P.S.MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 30.1.2013 passed by the Additional Sessions Judge, Patiala whereby respondent-Ram Parshad stands acquitted of the charge under Section 376 IPC.

The case of the prosecutrix, in nutshell, is that in the month of October, 2009 at about 10.00 p.m., respondent-Ram Parshad came to the house of the appellant. At that time, the appellant's husband was residing abroad whereas the appellant, alongwith her two minor children, was present in her house. All of them were watching T.V. Respondent-Ram Prashad came to her house and committed rape upon her. He had also given beatings to her.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that the FIR had been got registered on 29.9.2012, i.e. almost about three years after the incident which had taken place in the month of October, 2009. PW4 Ramesh Kumar, husband of the appellant, testified that he had left for Dubai on 28.9.2009

from where he returned on 4.12.2011. Even, thereafter, no attempt was made either by the appellant or her husband to report the matter to the police. The appellant also admitted before the trial Court that though she had been disclosing each and every thing to her husband on telephone, he would tell her that she was lying as she wanted him to come back. Even in the application Ex.PG moved by the husband of the appellant, no allegation of rape had been levelled and in the applications Ex.PB to Ex.PD, there was no direct allegation of rape against Ram Prashad-respondent and the only allegation was regarding attempt to commit rape.

During his cross-examination, the appellant's husband Ramesh Kumar admitted that he alongwith his wife and others had appeared before the Panchayat. He also admitted his signatures on the compromise Mark 'B'. The said compromise was in relation to some financial dispute between Ramesh Kumar and respondent-Ram Prashad. Ramesh Kumar tried to wriggle out of the compromise by stating that his signatures were obtained by force but he had not given any application to the authorities in that regard.

For the reasons, spelt out above, no case is made out for any interference in the impugned judgment of acquittal.

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

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

August 11, 2015
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