

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No. D-1461-DB of 2014

Date of Decision : March 19, 2015

Poonam

.....Appellant

VERSUS

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHAVIR S. CHAUHAN

Present : Mr. S.S. Khurana, Advocate

T.P.S. MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 5.8.2014 passed by the Sessions Judge, Rewari whereby respondent No.2, namely, Pawan Kumar, hereinafter referred to as 'the accused', was acquitted of the charges under Sections 366, 376, 344 and 506 IPC.

The case of the prosecution, in nutshell, was that on 6.7.2013 when the prosecutrix was going to her college, she was offered lift by the accused in his car. When she boarded the car, the accused put a handkerchief on her mouth. She became unconscious. When she regained consciousness, she found herself in a room at Chandigarh. The accused pressed upon her to marry him but she refused. He forcibly committed sexual intercourse with her and also threatened her. When her family members learnt about her whereabouts, they rescued her on 7.8.2013.

Having heard learned counsel for the appellant and after going through the impugned judgment of acquittal, this Court finds that during her so called confinement by the accused, the prosecutrix made no attempt to slip away or to even raise an alarm so as to attract

the persons living in the neighbourhood. From the evidence on record, it had surfaced that the house from where the prosecutrix was recovered comprised of 7 to 8 rooms and 2/3 tenants lived there. The room in which the prosecutrix was confined was having a door and a window. There was a toilet adjacent to that room. During her alleged confinement, the prosecutrix must have been using the toilet and, that too, outside the said room. Therefore, virtually it was impossible that she never came across any of the tenants living in the neighbourhood and narrated her plight to them.

The appellant had been a student of J.B.T. college and remained in touch with the accused over mobile and even on the day when she was allegedly abducted there have been calls exchanged between them. Thus, it can safely be inferred that the prosecutrix and the accused were in relationship and pursuant to some understanding, the prosecutrix eloped with the accused. This fact was in the knowledge of the family of the prosecutrix and that is why the report was lodged only on 9.7.2013.

In view of the above, no fault can be found with the impugned judgment, whereby the accused stood acquitted of the charges against him.

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

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

March 19, 2015