

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Appeal No. D-1618-DB of 2014
Date of Decision : April 30, 2015

Ram Kumar

....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. IPS Doabia, Advocate
for the appellant.

T.P.S. MANN, J.

The appellant, who is father of the prosecutrix, has filed the present appeal for challenging the judgement dated 22.7.2014 passed by the Additional Sessions Judge, Faridabad, whereby respondent-Amit Kumar was acquitted of the charges under Sections 363, 366, 420, 467, 468 and 471 IPC.

The case of the appellant while lodging the FIR was that on 4.2.2014, Amit Kumar had enticed his minor daughter and took her out of his lawful guardianship with an intention to marry her.

Having heard learned counsel for the appellant and on going through the trial Court record, this Court finds that the

prosecution has not led any evidence to establish that the prosecutrix had left the house of her parents against her wishes on her being enticed or induced to do so by Amit Kumar. Therefore, it cannot be said that Amit Kumar had committed the offences under Sections 363 and 366 IPC.

According to the prosecution, Amit Kumar had forged and fabricated certificate regarding date of birth of the prosecutrix. However, no evidence in that regard was brought on the file. Moreover, the certificate regarding date of birth issued by the MCF was carried by the prosecutrix herself while leaving her parents' house. Even otherwise, the prosecutrix while appearing before the trial Court as PW-11 stated that she knew Amit Kumar for the last seven years and she had married him without any pressure from anyone.

During the trial of the case, the prosecutrix was kept in the Nari Niketan, Karnal as she stated that she did not want to go with her parents. Subsequent to the passing of the impugned judgment of acquittal, Amit Kumar filed a petition under Section 226 of the Constitution of India for issuance of a writ in the nature of habeas corpus for release of the prosecutrix from the Nari Niketan. The said petition came up for final hearing on 22.12.2014 when after hearing the counsel for Amit Kumar as well as the counsel for the appellant-Ram Kumar, directions were issued to the Incharge, Nari Niketan, Karnal to release the prosecutrix from its custody forthwith, with liberty to her either to join her husband i.e. Amit Kumar or her parents. Learned

counsel for the appellant has fairly conceded that the prosecutrix has chosen to join the company of Amit Kumar.

In view of the findings recorded by the trial Court and also the aforementioned development subsequent to the passing of the impugned judgment of acquittal, this Court finds that no case is made out for granting any indulgence in the present appeal.

The appeal is devoid of any merit and is, accordingly, dismissed.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

April 30, 2015
pds.