

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**Crl. Appeal D-1657-DB of 2014
Date of Decision: July 22, 2015**

Versha

.....Appellant

Versus

State of Haryana & another

..... Respondents

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

Present : Mr. Vikas Lochab, Advocate
for the appellant.

T.P.S.MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 7.8.2014 passed by the Additional Sessions Judge/Special Judge, Sonipat, whereby accused/respondent Satender Singh stands acquitted of the charges under Sections 376 (2), 506 and 417 IPC.

The case of the prosecutrix, in nutshell, is that the prosecutrix, who was born on 19.1.1992 and had passed her +2 examination, had met the accused about three years and ten months back while travelling in a train. The accused told her that he would marry her. Accordingly, they started conversing with

each other on telephone. One day the accused told her that as he loved her, she should come wherever he wanted. On 15.2.2013, he called her to reach Sonipat and when she reached there, he took her to a hotel where he made an entry by mentioning her name differently and insisted upon her to stay with him. The prosecutrix told her that he should marry her first. The accused promised to marry her within 10/15 days. The prosecutrix felt persuaded and had sexual relations with him in the hotel. On several occasions, thereafter, the accused continued to have sexual relations with her. When the prosecutrix insisted upon him to marry her, he started threatening to kill her and to defame her. When the accused finally refused to marry her, she apprised her family members and Panchayat was convened but the accused still refused to marry her. Accordingly, she had sought taking of action against the accused.

Having heard learned counsel for the appellant and on going through the impugned judgment, it may be noticed that the prosecutrix was born on 19.1.1992 and, therefore, on 15.2.2013, when she was subjected to sexual intercourse, she was more than twenty one years of age. She had willingly accompanied the accused to a hotel where, according to her, her real name was not entered and instead the prosecutrix was described with a different name. The prosecutrix was a mature lady who had

already completed studies up to +2. If the accused was making mention of her under a different name, she could well anticipate that the accused would not be marrying her and was only having good time with her. She is not shown to have either objected to the act of sexual intercourse by the accused or raised hue and cry and, that too, when the accused had already extended threats to kill her and to defame her in public. Therefore, she had never been under any misconception of fact that the accused had promised to marry her and for that reason she had consented to sexual intercourse willingly.

According to the prosecutrix, when the accused had refused to marry her, a Panchayat was convened wherein also the accused refused to perform marriage with her. However, the mother of the prosecutrix, who was shown to be present at the time of Panchayat, testified that she had never met the accused prior to convening of the Panchayat. She also stated that she firstly talked to him only on the day when the FIR was lodged by the prosecutrix.

According to the defence, the accused was willing to marry the prosecutrix but it was only on account of resistance from her family members that marriage could not be solemnized. This becomes clear from the writing Ex.D1 executed by the prosecutrix and signed by her as well as the accused besides

other persons from the public. It was recorded therein that she did not want to continue any relationship with the accused.

The prosecution failed to bring on record any evidence to show as to on which particular point of time the accused threatened the prosecutrix. Similarly, it is also not proved that the accused had any fraudulent or dishonest intention pursuant to which he had induced the prosecutrix to have sexual intercourse with him for a sufficiently long period of time.

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

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

**(T.P.S. MANN)
JUDGE**

July 22, 2015
amit rana

**(MAHAVIR S. CHAUHAN)
JUDGE**