

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-481-DB of 2015

Date of Decision : September 30, 2015

Rani 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. J.S. Mehndiratta, Advocate.

T.P.S. MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 13.11.2014 passed by learned Additional Sessions Judge, S.A.S. Nagar, Mohali whereby respondent No.2-Gurpreet Singh, herein-in-after referred to as 'the accused', stands acquitted of the charges under Sections 376 and 506 IPC.

Briefly put, the prosecution case is that the prosecutrix is a married lady and having two children. Her husband is a driver, who goes to his job daily at about 9.00 a.m. and returns back late in the evening. The accused, who resided in her neighbourhood, was distant related to her. He had been harassing her by compelling her to become friendly with him. She refused to accede to his demands as she was mother of two children. She did not disclose about the said fact to

anyone in her family. On 10.1.2014 at about 12.00 noon, when the prosecutrix went to her grocery shop, the accused followed her and on reaching the shop, he pulled her inside a room and subjected her to rape. The accused threatened the prosecutrix that if she disclosed about the incident to anyone, he would pour acid on her children and kill them. After 15/20 days, the accused followed her again when she was returning home from the Gurudwara. He handed over one mobile to her and insisted upon her to talk with him. He had been conversing with her on the said mobile. The accused had also been extending threats to her on the phone and raped her. Out of fear of the accused, she did not narrate about the incident to anyone. Ultimately, she brought the incident to the notice of her husband. The prosecutrix then made statement before ASI Paramjit Singh, on the basis of which FIR No.114 dated 26.5.2014 under Sections 376 and 506 IPC was registered against the accused at Police Station Sohana, District S.A.S. Nagar (Mohali).

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that though the accused was said to have raped the prosecutrix on 10.1.2014 and after 15/20 days, thereafter, again raped her, but it was only on 26.5.2014 that she reported the matter to her husband and, thereafter, made statement before the police, on the basis of which FIR was registered. The explanation offered by the appellant that she had been threatened by the accused with dire consequences is difficult to believe. This

assumes significance as it has already come on the record by way of call details record Ex.PW4/K that it was the prosecutrix, who had been making repeated calls on the mobile handed over by the accused to her by calling the accused on his mobile. Some of the calls were even made at odd hours. All this shows that the prosecutrix had been a consenting party throughout and, later on, had come forward with a false plea that the accused had been threatening and forcing her to talk with him.

In view of the 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**

September 30, 2015
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