

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Criminal Appeal No.D-677-DB of 2015

Date of Decision : October 06, 2015

Seema

....Appellant

VERSUS

State of Haryana and another

...Respondents

CORAM : HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE GURMIT RAM

Present : Mr. Parmod Parmar, Advocate
for the appellant.

T.P.S. MANN, J.

The prosecutrix has filed the present appeal for challenging the judgment dated 12.1.2015 passed by learned Additional Sessions Judge, Exclusive Court, Jhajjar whereby respondent No.2-Vinod Kumar, hereinafter referred to as 'the accused', stands acquitted of the charges under Sections 376/506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

In nutshell, the case of the prosecution is that the prosecutrix, aged 35 years and a married lady, was running a beauty parlour shop. The accused had been teasing her for the last 4/5 months. On 24.11.2013, he took her to a hotel for tea where he subjected her to forcible sexual intercourse. He threatened to kill her and her children if she disclosed the incident to anyone. On 12.3.2014, she apprised her husband about the incident and a day later, i.e. on 13.3.2014, she moved an application to the police for taking legal action in the matter. Accordingly, FIR No.119 dated 13.3.2014 under Sections 376/506 IPC and Section 3 of the Scheduled Castes and Scheduled Tribes (Prevention of

Atrocities) Act, 1989 was registered against the accused at Police Station City, Bahadurgarh.

Having heard learned counsel for the appellant and on going through the impugned judgment, this Court finds that neither the appellant had resisted the sexual assault nor she had tried to run away. She went with him to a hotel for a cup of tea where she was said to have been subjected to forcible sexual intercourse. She knew fully well that she was all alone with the accused and, that too, in a a hotel. Despite the same, she did not raise any hue and cry when subjected to sexual assault by the accused. After the incident, the accused was said to have threatened to kill her and her children if she disclosed about the incident to anyone. The said explanation of the appellant cannot be accepted. Further, all most after four months of the incident that the appellant was said to have apprised her husband as to what had happened with her when she accompanied the accused to a hotel.

From the testimony of PW12 Dr. Sangeeta, it stand established that no force was used against the appellant. There were no struggle marks noticed on the face, abdomen, neck and breast of the appellant at the time of her medical examination. There was also no mark of injury on her private parts.

In view of the above, no fault can be found with the impugned judgment of acquittal passed by the trial Court.

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

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

October 06, 2015
satish

**(GURMIT RAM)
JUDGE**