

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

**CRA-D-728-DB of 2015(O&M)
Date of decision: 8.10.2015**

Manjeet

..... 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. Sanjeev Majra, Advocate
 for the appellant.**

T.P.S. MANN, J.(Oral)

The appellant has filed the present appeal for challenging the judgment dated 15.1.2015 passed by learned Additional Sessions Judge – cum – Judge, Special Court for Heinous Crime against Women, Hisar, whereby respondent No.2 – Bijender @ Nanha stands acquitted of the charges under Sections 3 and 4 of the Protection of Children from Sexual Offences Act, 2012 and in the alternate under Sections 376 and 506 IPC.

As per case of the prosecution, the prosecutrix who had been engaged by the appellant to clean her house was subjected to sexual intercourse by respondent No.2 – Bijender @ Nanha. It has already come on the record that the prosecutrix lives with her mother, three brothers and two sisters, whereas her father was no more. In that situation, against the impugned order of acquittal, either the victim, i.e. the prosecutrix or any of her near relative who might fall within the definition of victim as contained

in Section 2 (wa) of the Code of Criminal Procedure could file an appeal whereas the appellant, who had simply employed the prosecutrix cannot by any stretch of imagination be considered as victim.

Faced with the above, learned counsel for the appellant submits that the appellant may be allowed to withdraw the present appeal with liberty to seek any other remedy available to her under the law.

Dismissed as withdrawn with liberty aforementioned.

(T.P.S. MANN)
JUDGE

(GURMIT RAM)
JUDGE

8.10.2015
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