

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Crl. Appeal No.D-740-DB of 2014 (O & M)
Date of Decision: 18.08.2015

Isha Khan

..... Appellant

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE S.S. SARON
HON'BLE MS. JUSTICE REKHA MITTAL

Present: Mr.M.D. Khan, Advocate
for the appellant.

S.S. SARON, J.

Isha Khan, who is the father of the prosecutrix and complainant in the case has filed this appeal against the judgment and order dated 04.04.2014 passed by the learned Additional Sessions Judge, Special Court for Crime against Women, Palwal whereby respondent No.2 has been acquitted.

The appellant-Isha Khan in his application Ex.PA to the SHO Police Station, Hathin alleged that his daughter (prosecutrix) aged 16 years had been kidnapped by half a dozen persons on pointing of illegal weapons on 23.04.2012 at 2.00 pm. Their names were mentioned as Jafar son of Deenu, Shokat son of Chandmal, Tahir Hussain son of Hussaina, Sahid son of Suban, Ibrahim (respondent No.2) son of Ramzan and also one other companion. It is also alleged that on his opposition, he and his family members were threatened that they would be killed. The kidnappers had come in a Balero vehicle and they took the prosecutrix from village Mankaki. He requested for legal action

be taken against culprits.

A perusal of the above shows that the prosecutrix was 16 years at the time of incident that had occurred on 23.04.2012. Therefore, by the time the present appeal was filed i.e. on 23.04.2012, she was almost 18 years of age and by now in any case she is a major. The learned trial Court in the impugned judgment in paras 46 and 47 had noticed the contentions regarding the age of the prosecutrix to be 16/17 years but had held her to be a major on the date of occurrence i.e. on 23.04.2012. The prosecutrix, in any case, is a major by now. Learned counsel for the applicant/appellant had taken time to seek instructions and address arguments.

In the circumstances, learned counsel for the applicant/appellant submits that he may be allowed to withdraw the present appeal, without prejudice to the rights of the 'victim' to file a fresh appeal in case the 'victim' so desires.

Accordingly, the appeal is dismissed as withdrawn which shall be without prejudice to the rights of the 'victim'.

(S. S. SARON)
JUDGE

(REKHA MITTAL)
JUDGE

18.08.2015
A.Kaundal