

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc. A-418-MA of 2015
Date of Decision : May 07, 2015

State of Haryana

....Applicant

Versus

Raja alias Rajender and others

.....Respondents

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

Present : Mr. Praveen Bhadu, Assistant Advocate General, Haryana

T.P.S. MANN, J.

The State has filed the present application under Section 378(3) Cr.P.C seeking leave to appeal against the judgment dated 18.2.2014 passed by the Additional Sessions Judge (Special Court for Heinous Crime against Women), Hisar, whereby respondent Raja alias Rajender and Sonu stand acquitted of the charges under Sections 452, 323, 506 read with Section 34 IPC and Section 376(2)(g) IPC and respondent Mahipal of the charges under Sections 452 and 376(2)(g) IPC.

Having heard learned State counsel and on going through the impugned judgment, this Court finds that though the prosecutrix claimed to have been beaten by the respondents, yet when she was medically examined, no external marks of injury were seen on any part of her body. It is another thing that the attending doctor corrected herself and stated that there was slight swelling present over the right hand and right knee joint of the prosecutrix, besides small abrasion on her right breast, yet the fact remains that the prosecutrix testified about having been beaten by the accused even with the handle of axe and in such a situation, whatever injuries were noticed upon the prosecutrix, could not have been the result of giving of axe blows by the accused. The said doctor has also testified that the injuries noticed by her on the prosecutrix could be self-inflicted.

Jaipal, husband of the prosecutrix did appear before the trial Court as DW1 and testified that the prosecutrix had been indulging in immoral activities. He also testified that the prosecutrix had got registered three FIRs regarding rape, attempt to murder and setting of her house on fire. At the same time, from the judgment dated 30.9.2013 passed by the Addl. Chief Judicial Magistrate, Fatehabad, it is made out that the prosecutrix, alongwith others, stood convicted under Sections 389 and 120-B IPC. Under these circumstances, the possibility of the respondents being falsely implicated by the prosecutrix in order to extort money from them cannot be ruled out.

In view of the above, no case is made out for any

interference in the impugned judgment of acquittal. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(MAHAVIR S. CHAUHAN)
JUDGE

May 07, 2015
pds.