

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

Cr.Rev.No.1089 of 2015 (O&M)
DATE OF DECISION : 27.3.2015

Dharminder Singh alias Ginni
VERSUS

PETITIONER

State of Punjab

RESPONDENT

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

1. Whether reporters of Local Newspapers may be allowed to see the judgment ?
2. To be referred to the Reporters or not ?
3. Whether the judgment should be reported in the Digest ?

Present:- Shri Anupam Singla, Advocate for the petitioner.

MAHESH GROVER, J.

This petition is directed against the order dated 24.12.2014 of the learned Additional Sessions Judge, Rupnagar vide which the appeal preferred by the present petitioner against the order dated 4.1.2014 of the Juvenile Justice Board, Rupnagar was dismissed. The allegations against the petitioner were of having submitted the victim to a carnal intercourse thereby inviting prosecution under Section 377 I.P.C. in a case registered vide F.I.R. No.153 dated 23.10.2011 under Section 377 I.P.C. at Police Station, Kuarli. The F.I.R. was registered on the statement of Smt.Sarabjit Kaur mother of the victim who alleged that on 23.10.2011 her son Kanwarpartap aged about 6 years was playing on the terrace of

her house while she was busy in her household work. Suddenly, she heard the shrieks of her son at about 2.30 p.m. When she reached the roof, she found that Ginni son of Mithu, the present petitioner, was present in the store room and he had taken off his trouser and was indulging in illegal activities with him. She immediately rescued her son and the petitioner fled away from the scene.

The petitioner questions the findings recorded against him by the Juvenile Justice Board and the Additional Sessions Judge, Fast Track Court, Rupnagar by which the present petitioner has been sent to Special Home for three years to be detained therein for his reformation. He also questions the fine of Rs.1000/- imposed upon him.

Learned counsel for the petitioner contends that there is no cogent material on record to substantiate the charge of the prosecution.

On due consideration of the matter, I am of the opinion that the revision does not warrant any interference. There is medical testimony on record of Dr.Preet Mohan Singh PW-3 who has medico-legally examined the victim and reported that there was a tear of 1.2 cm x .3 cm on the posterior aspect of the anal verge of the victim and local tenderness was present. The medico-legal report was duly proved by PW-3 and his testimony coupled with that of the complainant who is the mother of the victim, as also the victim himself, leave no room for doubt that the petitioner indeed committed this dastardly act by submitting a minor of 6 years to his carnal desires.

I am thus of the opinion that the prosecution has fully established the case against the petitioner and there is no redeeming feature in the case of the petitioner to warrant any interference.

Dismissed.

March 27, 2015
GD

(MAHESH GROVER)
JUDGE