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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-3591-2015[O&M]

Date of Decision : October 16th, 2015

Vivek Kaushik [Juvenile]

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE SHEKHER DHAWAN.

Present Mr. G.P.Singh, Advocate,
and Mr. Avadh Kaushik, Advocate,
for the petitioner.

SHEKHER DHAWAN, J.

Present revision petition is against the order dated 14.8.2015 passed by learned Additional Sessions Judge, Gurgaon whereby appeal under Section 52 of the Juvenile Justice [Care & Protection of Children] Act, 2000 [for short, "the Act"] against order dated 29.1.2014 passed by Principal Magistrate, Juvenile Justice Board, Gurgaon was dismissed.

Relevant facts of the case, that on 2.7.2013, petitioner Vivek Kaushik called the prosecutrix outside her house and when the prosecutrix opened the gate, Vivek Kaushik, petitioner herein, who was accompanied by three other boys forcibly took the prosecutrix in a big car like Scorpio and she was threatened that in case she raised hue and cry, she would be done to death. She became unconscious and on regaining consciousness, she found herself in a building like godown. She managed to make a telephone call to her father and her father saved her. FIR was registered

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under Sections 354, 365, 376[D], 506, 511 IPC and Section 6 of the POSCO Act. During investigation, it was found that no other person was involved nor any vehicle was found to be involved in the occurrence and Section 376[D] IPC and Section 6 of POSCO Act were deleted and Section 376 IPC was added.

The Courts below have appreciated the evidence including statement recorded under Section 164 Cr.P.C., medico legal report of the prosecutrix and statements recorded under Section 161 Cr.P.C. and passed the order dated 29.1.2014, whereby charge was ordered to be framed against the petitioner. It has specifically come in the statement of the prosecutrix dated 2.7.2013 that Vivek Kaushik, the present petitioner, was identified by her. All these facts were duly considered by learned trial Magistrate and thereafter, re-appreciated by the first Appellate Court while deciding the appeal.

In view of the above, there are no grounds for interference by this Court by way of present revision petition. Finding no merit in the same, the revision petition stands dismissed *in limine*.

(SHEKHER DHAWAN)
JUDGE

October 16th, 2015
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