

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Criminal Revision No.4070 of 2015 (O&M)
Date of decision: 21st October, 2015

Sunil alias Julha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr. M.S.Randhawa, Advocate,
for the petitioner.

INDERJIT SINGH, J.

Petitioner has preferred this revision petition against respondent-State of Haryana under Section 401 Cr.P.C. against the order dated 29.09.2015, passed by the learned Additional Sessions Judge, Narnaul vide which the charge under Sections 265, 328, 376, 506 IPC and Section 3(I)(xii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act), 1989 (in short 'the Act') has been framed against him.

At the time of arguments, learned counsel for the revision petitioner contended that no offence under Section 376 IPC etc. is made out.

I have heard learned counsel for the petitioner and have gone through the record especially the FIR and the statement of prosecutrix under Section 161 Cr.P.C.

The prosecutrix in her statement has stated that on

12.07.2015, she went to Akoda for learning stitching work where Sanjit and one other boy were standing with motorcycle at the street going towards Basai from the bus stand. Sanjit stopped the motorcycle near her and asked her to sit. When she denied, Sanjit gave threat to kill her family. Due to fear, the prosecutrix sat with him. Thereafter, Sanjit took her to the upper room of Anshu PG House Mahendergarh and forcibly did wrong Act and other boy remained sitting below. Sanjit and that boy took her to Behror. Sanjit told the prosecutrix that the name of other boy is Sunil and he is from his village. Sunil came back from Behror and Sanjit took the prosecutrix to Nimkathana etc. From the statement of prosecutrix itself, it is clear that prima facie case under Sections 120-B, 365, 376 IPC and Section 3 of the Act is made out. In no way, it can be held that no charge is made out against the petitioner. It is for the trial Court to determine from the evidence as to what charges are proved against the petitioner; whether criminal conspiracy for committing rape upon the prosecutrix is proved or not after and when the evidence will be produced. At the time of framing of charges, the Court is only to see prima facie case. At this stage, the Court is not to weigh the evidence for the purpose of conviction. Even strong suspicion is sufficient for framing of charges.

Therefore, from the above discussion, I find that no ground for discharge of the petitioner is made out. In no way, it can be held that no prima facie case is made out against him.

Therefore, finding no merit in the instant petition, the same is dismissed.

21st October, 2015
mamta

(INDERJIT SINGH)
JUDGE