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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.R.R No.4561 of 2015 (O&M)
Date of Decision : 28.11.2015**

Anish Sultan

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Rajesh Lamba, Advocate
for the petitioner.

1. Whether Reporters of local papers 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?

AJAY TEWARI, J. (Oral)

This revision has been filed against the concurrent judgments of the Courts below convicting the petitioner under Sections 323, 342 & 354 IPC and sentencing him to undergo rigorous imprisonment of one year.

The allegations were that the prosecutrix was working as a sales girl in the office of property dealer. The petitioner took her mobile number on the pretext that he wanted to discuss some property details with her. Thereafter the petitioner called her and asked her to come to his residence on 02.03.2013. She went there with a co-worker. While she was showing property project to the petitioner and the co-worker was waiting outside the petitioner put his hand on her shoulder and started teasing her and gave a fist blow on her face. She raised an alarm, pursuant to which the

co-worker came there. They called other persons and the petitioner was arrested.

The primary argument of the learned counsel is that the co-worker who as per the prosecutrix had accompanied her to the house of the petitioner was not examined as witness. As per him this cast a serious doubt on the prosecution.

I am however not impressed with this argument. There is nothing on record to show that the petitioner had any previous dealing or any previous enmity with the prosecutrix. In the circumstances, there was no reason for her to have falsely implicated the petitioner.

The second subsidiary argument of the learned counsel is that in her testimony she misstated the date of occurrence as 02.02.2013 instead of 02.03.2013 and also made some further improvements in the case as set out in the FIR.

Both these arguments also cannot be accepted. It is trite to say that the FIR cannot be taken to be an encyclopedia or detailed version of the facts which may have unfolded. It is not a plaint in a civil suit. The misstatement of date also would not matter if otherwise the Court come to the conclusion that the testimony of the witness is credible. In these circumstances, the ground of anomalies in the statement and the ground that co-worker was not there would not necessarily lead to the conclusion that the prosecutrix has failed to prove her case beyond reasonable doubt. Resultantly, the judgments passed by the Courts below cannot be faulted.

Learned counsel has further argued that the petitioner should be released on probation in view of the fact that there is no criminal antecedents and also the fact that he was on bail during trial and that he did not repeat the act.

In my opinion, the conduct of the petitioner does not entitle him to the grant of probation. The petition is dismissed.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

November 28, 2015
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(AJAY TEWARI)
JUDGE