

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRA-AD-10 of 2016(O&M)
DATE OF DECISION: March 11, 2016

Kishan Lal

...Appellant

versus

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr.Sandeep Arora, Advocate for the appellant.

RAMENDRA JAIN, J.

CRM No.486 of 2016

Sufficient cause has been shown to condone the delay of 582 days in filing the accompanying appeal.

Accordingly, the application is allowed. The delay in filing the appeal is condoned.

CRA-AD-10 of 2016

By way of the present appeal, the appellant has assailed the judgment of acquittal dated 4.2.2014 passed by the Additional Sessions Judge, Gurdaspur.

The facts, in nutshell, are that the complainant solemnized the marriage of his daughter with Narinder Singh about five years ago. She was blessed with a son. His son-in-

law had gone abroad. On 11.5.2012, his daughter had gone to the Advance English Speaking Course at Dinanagar. However, she did not return back till evening. The search was made, but could not get any clue about her. On 20.5.2012, a mobile call was received from his daughter. His son had conversation with her. However, her mobile was snatched by some boy. The snatcher extended threat to his son. Therefore, he was of the firm belief that his daughter was forcibly taken away by some persons at some unknown place.

On the basis of the above statement of the complainant, formal FIR under Sections 366/34 IPC was registered. Investigation was commenced. During investigation, the call details of mobile of the prosecutrix were obtained from which it transpired that one Jagdip Singh (respondent No.2) had connection with his daughter. On raiding the house of aforesaid Jagdip Singh, the prosecutrix was recovered on 19.12.2012. Her statement was recorded. Sections 376, 342, 506 IPC were added. Respondent No.2 was arrested. On completion of investigation, challan was presented in the Court.

Respondent No.2 was charge sheeted under Sections 366, 376, 506, 342 IPC to which he pleaded not guilty and claimed trial.

In order to prove its case, the prosecution examined as many as thirteen witnesses. Statement of respondent No.2

was recorded under Section 313 CrPC putting the entire incriminating evidence to which he denied all the allegations and pleaded false implication. In his defence, respondent No.2 examined three witnesses.

The trial Court after hearing both the sides and analysing the evidence did not find itself convinced with the prosecution story. Accordingly, it acquitted respondent No.2.

Learned counsel for the appellant submits that the trial Court has wrongly acquitted respondent No.2, without appreciating the fully corroborated depositions of the complainant and other witnesses.

After giving our thoughtful consideration to the arguments advanced by learned counsel for the appellant, we find the present appeal completely devoid of any merit for the reasons to follow.

As per initial version of the prosecution, on 11.5.2012, the prosecutrix had gone to Advance English Speaking Course at Dinanagar and did not come back to matrimonial home. The efforts were made to search her, but no clue could be found. Ultimately, she was recovered on 19.12.2012 from the house of respondent No.2. During her long stay for 7/8 months, she remained with respondent No.2 at numerous places having sufficient opportunities to skip, but she did not do so. Hence, there can be no doubt that the prosecutrix was living with respondent No.2, after her husband

had gone abroad with her own free will. Even the prosecutrix had approached the Criminal Court by way of complaint No.27 dated 14.5.2012 under Sections 323,324 IPC alleging that she had solemnized marriage with respondent No.2 on 1.5.2012 as per their wishes with her own sweet will. On 12.5.2012, her parents along with their henchmen had attacked her and respondent No.2 with deadly weapons and made every possible efforts to forcibly take her away, but could not succeed. The above evidence suggests that the prosecutrix had accompanied respondent No.2 of her own and was a consenting party to the entire episode. The appreciation of evidence by the trial Court in reaching to the conclusion that the prosecution has failed to establish the guilt of respondent No.2 is, thus, not illegal, requiring any interference by this Court.

In view of the aforesaid discussion, having no merit this appeal is dismissed.

(T.P.S.MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

March 11, 2016
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