

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

CRA-D-685-DB of 2015
Date of decision: 16.2.2016

Rajesh Kumar

..... Appellant

VERSUS

State of Haryana and another

..... Respondents

**CORAM: HON'BLE MR. JUSTICE S.S. SARON
 HON'BLE MR. JUSTICE GURMIT RAM**

**Present: Mr. Vijay Kumar Sheoran, Advocate
 for the appellant.**

S.S. SARON, J.

This appeal has been filed by the appellant Rajesh Kumar who is the father of the prosecutrix and also the complainant in the case. The appellant is aggrieved against the judgment and order dated 9.3.2015 passed by the learned Additional Sessions Judge, Bhiwani whereby Ajay @ Lalu (respondent No.2) has been acquitted.

According to the appellant, the date of birth of the prosecutrix is 4.12.1996. The learned Additional Sessions Judge has held the date of birth of prosecutrix to be 20.10.1995. Be that as it may, the appeal has been filed in this Court on 2.5.2015. By that time, the prosecutrix had attained the age of majority. Therefore, Rajesh Kumar

(appellant) is not a 'victim' within the meaning of Section 2(wa) of the Code of Criminal Procedure.

Learned counsel for the appellant when confronted with this position submits that he may be allowed to withdraw this appeal so as to file an appeal on behalf of the 'victim', if she so desires.

The appeal is, accordingly, dismissed as withdrawn.

(S.S. SARON)
JUDGE

(GURMIT RAM)
JUDGE

16.2.2016
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