

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRA-D-694-DB of 2015 (O&M)

DATE OF DECISION: JULY 11, 2016

MANMOHAN NARANG

...APPELLANT

VERSUS

STATE OF PUNJAB AND ANOTHER

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE M. JEYAPPAUL.
HON'BLE MRS. JUSTICE SNEH PRASHAR.**

1. Whether the judgement should be reported in the digest? Yes/No

PRESENT: MS.RAVINDER KAUR MANAISE, ADVOCATE
FOR THE APPELLANT.

M. JEYAPPAUL, J.

CRM-14577-2015

1. There is delay of 273 days in preferring the appeal.
2. Heard the submissions made by learned counsel appearing for the appellant.
3. The appellant being a poor man has engaged a legal aid lawyer through the High Court Legal Services Committee. The delay of 273 days in filing the appeal that has occurred on account of poor financial position of the appellant is quite understandable. Therefore, the application is allowed.

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4. This is an appeal filed by the father of the prosecutrix, who in fact lodged the complaint, against the acquittal recorded by the trial Court in a case under Section 376(2)(g) IPC.

5. We heard the submissions made by learned counsel appearing for the appellant and also perused the records.

6. The appellant had given a complaint that his daughter aged 14 years studying in 8th class left her house on 26.7.2010 without informing anyone and during his search on 27.7.2010, he found his daughter in the company of the accused. She informed the complainant that all the three accused committed rape upon her.

7. The complainant who is the appellant herein was a hear-say witness. As regards the charge of rape, it is only the prosecutrix who allegedly passed on such an information to the complainant is competent to speak of the rape committed by the accused. But she was not examined by the prosecution.

8. The medical evidence also was not certain that the prosecutrix was subjected to rape. In the absence of direct evidence from the prosecutrix the trial Court has rightly disbelieved the hear-say testimony of PW1. As there was no evidence to establish the gangrape alleged against the accused, in our considered view, the trial Court has rightly acquitted the accused. Therefore, the appeal stands dismissed.

(M. JEYAPPAUL)
JUDGE

July 11, 2016
Gulati

(SNEH PRASHAR)
JUDGE