

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-A-1466-MA-2016
Date of Decision:- 23.11.2016

State of Punjab

..Petitioner

Versus

Kartik and others

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Ms. Manpreet Dhaliwal, AAG, Punjab,
for the applicant-appellant.

RITU BAHRI, J. (Oral)

The State of Punjab-appellant has filed the present application under Section 378(3) Cr.P.C. for seeking leave to appeal from the judgment dated 11.05.2016 whereby learned Additional Sessions Judge, Jalandhar, have acquitted accused Kartik, Rakesh Kumar and Meenu (respondent Nos.1 to 3).

Brief facts of the case are that the present FIR was registered on the statement of complainant Alok Jain son of Dharampal Jain, wherein he stated that on 08.09.2014 at about 4.00 PM his daughter/prosecutrix had gone to attend the tuition at Bazar Sheikhan and returned to him at about 7.00 PM. Then at about 7.30 PM, she went to Bazar from the house and thereafter she did not return to the house till date. He himself searched for

his daughter but in vain. He has stated that one boy, namely, Kartik used to harass her daughter and he has apprehension that said Kartik has taken away his daughter/prosecutrix by enticing her with intention to marry her. On the basis of said statement, FIR was registered against the accused under Sections 363 and 366-A IPC. Later on, on the supplementary statement of the complainant, offence under Section 120-B IPC was registered against father of accused Kartik, namely, Rakesh Kumar and his mother Meenu.

After registration of the FIR, the prosecution in order to establish its case, has examined 13 witnesses.

After closure of the prosecution evidence, accused were examined and they pleaded false implication.

The trial Court, after going through the entire evidence, has acquitted the accused on the ground that the prosecutrix has admitted in her cross-examination that she had accompanied accused Kartik to Delhi and then to Bombay with her own wish. Further, in her statement made before the Court, she has stated that said accused had committed rape upon her at night whereas in statement recorded under Section 164 Cr.P.C. before learned Magistrate, she has stated that the accused tried to make sexual intercourse. There was no allegation against accused Kartik that he has given any threats to the accused before taking her to Delhi or Bombay or before committing sexual intercourse with her. There was various discrepancies in her statements during the course of the trial. Moreover, as far as the allegations levelled against accused Meenu and Rakesh Kumar Verma are concerned, there was no evidence to show their involvement in the entire occurrence. Consequently, as no overt act is found against the accused, therefore, the trial Court acquitted them.

After hearing the learned counsel for the applicant-appellant, going through the entire record, this Court is of the considered view that the trial Court has recorded the valid reasons/grounds and rightly acquitted the accused. Learned State Counsel did not point out that how and in what manner, any interference is warranted in the impugned judgment of acquittal. Such well-articulated judgment, containing the valid reasons/grounds of acquittal, cannot possibly be interfered with in these proceedings, unless the same is illegal and without jurisdiction. No such patent illegality or legal infirmity has been pointed out by the learned State Counsel in the impugned judgment of acquittal.

In the light of aforesaid reasons, as there is no merit, therefore, the petition for leave to appeal is hereby declined, culminating in the dismissal of the appeal as well, in the obtaining circumstances of the case.

November 23, 2016
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(**RITU BAHRI**)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No