

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-A-189-MA-2016 (O&M)

Date of decision: 01.03.2016

State of Punjab

..... Applicant

Versus

Maan Singh

..... Respondent

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

1. *Whether Reporters of the 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?*

PRESENT: Dr. Deipa Singh, Addl. A.G. Punjab,
for the applicant-State.

RAMENDRA JAIN, J.

CRM-4048-2016

Sufficient cause has been shown to condone the delay in filing the accompanying application for grant of leave to file appeal.

Therefore, the application is accepted. The delay of 115 days in filing the accompanying application under Section 378 (3) Cr.P.C. is condoned.

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Shorn off unnecessary details, respondent-Maan Singh was booked and tried under Sections 366 and 376 of the Indian Penal Code (IPC) for the alleged abduction and rape of the complainant-prosecutrix.

However, since the prosecution could not prove its case against him, therefore, vide impugned judgment dated 09.06.2015 passed by the learned Additional Sessions Judge, Ludhiana, respondent-Maan Singh was acquitted of the aforesaid charges.

2. Being aggrieved, the State has preferred the instant application under Section 378 (3) Cr.P.C., seeking leave to file the accompanying appeal against the impugned judgment.

3. Learned State counsel contended that the impugned judgment is based on surmises and conjectures. Learned trial Court has failed to appreciate that respondent No. 1 had sexually exploited the prosecutrix continuously for many years. Even a child was also born to the prosecutrix on account of illicit relations of the respondent with her. The learned trial Court has erred in not considering that the respondent was continuously blackmailing the prosecutrix by capturing her nude photographs, whenever she refused for illicit relations with him. It has been further contended that no woman would level such false allegations against anyone by putting at stake her own reputation.

4. After giving our thoughtful consideration to the submissions made by learned State counsel, we find the present application completely devoid of any merit for the reasons to follow.

5. As PW-1, the prosecutrix did not support the prosecution case, rather turned hostile. Despite her cross-examination by the learned Addl.P.P. and her confrontation with her previous statement, she denied that any such occurrence had taken place. She categorically stated that her relations with the respondent for the last 12-13 years were

consensual. A daughter had also born out of their relations.

6. Since the prosecutrix did not support the prosecution, so the respondent has rightly been acquitted by the learned trial Court.

7. In view of the above discussion, the instant application being completely devoid of any merit is, therefore, dismissed. Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

(RAMENDRA JAIN)
JUDGE

March 01, 2016

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