

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No.2046 of 2016

Date of decision : 30.05.2016

Rajesh Kumar

.....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Chander Pal Tiwana, Advocate for the petitioner.

ANITA CHAUDHRY, J (ORAL)

This revision petition is directed against the order dated 16.03.2016 passed by Additional Sessions Judge, Jind vide which additional charge under Section 376(D) IPC has been framed against the petitioner.

Learned counsel for the petitioner contends that the prosecutrix was having an affair with co-accused Nitesh, who could not be arrested. It was urged that initially FIR was registered under Section 363, 366 IPC. A complaint was lodged by the father and the girl was 18 years of age. He further contends that the girl had made a statement under Section 161 Cr.P.C, wherein she had stated that she wanted to marry Nitesh. Later in the supplementary statement she named the petitioner and one Santosh, who had helped Nitesh and they took her to Hissar on motorcycle. He further contends that the prosecutrix had refused to get herself medically examined. Later on, she changed her statement and made a different statement and levelled allegations under Section 376 IPC.

Challan was filed. Charge was framed and after statement of the prosecutrix, charge has been framed under Section 376(D) IPC. The counsel urges that the allegations of rape have been levelled against the petitioner out of rivalry and because of pressure of the parents and after six months she has been changing her statement at different point of time.

The question whether there was any rivalry or whether there was any pressure of the parents is a question, which was to be examined by the trial Court only after the evidence had been led. The prosecutrix initially did not make allegations of rape and did not get herself medically examined, but later on, made supplementary statement and also named the petitioner.

An application for amendment of the charge was moved by the complainant, which was forwarded by the State counsel and charge has been framed. There is no illegality in the order. It is for the trial Court to examine whether to accept the statement of the prosecutrix that was made at the first point of time or the one which was made later before it.

I find no infirmity in the order passed by the Court below. The petition is dismissed.

(ANITA CHAUDHRY)
JUDGE

30.05.2016

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