

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

CRR No. 795 of 2015.

Decided on: 1.9.2016.

Sunita

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : Hon'ble Mr. Justice Jitendra Chauhan

Present : Mr. Govind Korla, Advocate for
Mr. Sandeep K. Sharma, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

JITENDRA CHAUHAN.J.(ORAL)

The present revision petition has been filed against the order dated 3.11.2014, passed by Juvenile Justice Board, Rohtak (for short “the Board”) whereby, respondent Nos.2 & 3 were acquitted in FIR No.155 dated 22.03.2009, registered under Sections 323, 452 and 427 IPC at Police Station Urban Estate, District Rohtak.

The facts of the case as noticed in the order passed by the Board are as under:-

“The prosecution enquiry was registered on the complaint of Sunita w/o Yudhir Singh, Caste Jat, r/o Azadgarh, Rohtak wherein, it was stated that in the intervening night of 22/23.09.2009, she was sleeping in her house at about 10.15 PM, at that time Samarjeet s/o Dilawar, Rajbala w/o Samarjeet, Parul

d/o Samarjeet and Tejender Pal s/o Samarajeet residents of Azadgarh along with six other persons broken the side wall of gate of her house and also broken the gate of latrine and also destroyed the boundary wall and they went from there. At about 12.00 PM these persons again came there and Samarjeet, Rajbala and their children came into her roof by a ladder and pushed the door. When her husband came there they beat him. After that other companion of these persons also came on the roof and Samarjit asked to kill her children. When Rajabala and her daughter started to come into her house then her tenant Kuldeep closed the door. All of them beaten complainant and her husband, Samarjeet torn her cloths and all other caught her, when her husband cried, all run away in a black van. On this statement, a formal FIR was registered. Police, thereafter, started the investigation, wherein they prepared site plan, recorded statement of the witnesses, apprehended the Juveniles-in-conflict with law and after completion of the necessary investigation, submitted the report as required under Section 173 Cr.P.C.”

After holding inquiry, the Board acquitted respondent Nos.2 & 3 observing that in the testimony of the complainant, Sunita, no specific allegation against any of the juveniles has been made out. Yudhir, PW-4 has also failed to make any specific allegation against any of the juveniles. No specific role or use of weapon has been attributed to the juveniles. None of the neighbours were joined as independent witnesses. The witness, Kuldeep, named in the complaint has not been examined by the prosecution. Moreover, the Investigating Officer has also not been examined by the prosecution. It was further observed that the juveniles may have been named by the complainant due to family enmity.

Learned counsel for the petitioner contends that there is direct participation of respondent Nos.2 & 3 in the occurrence. The Board has taken a lenient view regarding accused just because of the fact that they are juveniles, whereas there is sufficient evidence to connect the accused with the commission of crime.

I have heard the learned counsel for the petitioner and have gone through the case file.

The complainant while appearing as PW-3 did not raise any finger of accusation against respondents No.2 & 3. Her testimony points out the guilt of parents of respondents No.2 & 3. No specific allegation has been levelled against the juveniles. To the similar effect is the statement of Yudhvir, PW-4, husband of the

complainant. Neither the Investigating Officer nor any independent witness from the locality has been examined. The witness, Kuldeep has not been examined by the prosecution. In the absence of any evidence, the juveniles cannot be fastened with any liability. This Court feels that the impugned order passed by the Board does not suffer from any illegality or irregularity calling for interference at the hands of this Court in exercise of its revisional jurisdiction. Consequently, the revision petition is dismissed.

1.9.2016.
SN

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No