

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

**Criminal Revision No.676 of 2016
Date of Decision:-04.07.2016**

Sobha Devi

....Petitioner

Versus

State of Haryana and another

....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Arjun Atri, Advocate
for the petitioner.**

RITU BAHRI, J. (Oral)

Present revision petition has been preferred by the petitioner/complainant against the impugned judgment dated 10.03.2015, passed by the learned Chief Judicial Magistrate and judgment dated 06.10.2015 passed by the learned Additional Sessions Judge, Mewat whereby accused-Khem Chand (respondent No.2) (hereinafter to be referred as 'the accused') has been acquitted from the charges under Sections 354 and 506 IPC.

The case of the prosecution is that on 21.06.2013 in the area of Police Station Rozka Meo, the accused was intended to outrage the modesty of complainant Sobha Devi and also committed intimidation by threatening to kill her in future.

After registration of the FIR, the challan was presented and the

accused was charge-sheeted, vide order dated 03.09.2013, passed by the

learned JMIC, Nuh, under Sections 354 and 506 IPC.

The prosecution has examined three witnesses i.e. PW-1 Suresh Chand, PW-2 Sobha Devi and PW-3 ASI Samay Singh. Thereafter, the accused was examined under Section 313 Cr.P.C, in which, he pleaded his false implication. In defence, the counsel for the accused has examined two witnesses i.e. DW-1 Ashok Kumar and DW-2 Parveen Pahuja, Handwriting and Finger Print Expert, who gave his affidavit Ex.DW-2/A and also filed his reports (Ex.DW-2/1 to Ex.DW2/13).

Moreover, from the testimony of PW-2 Sobha Devi and the contents of the complaint Ex.PW-2/A, the trial Court has found that there was a contradiction and an improvement in the testimony of PW-2 with regard to allegations made in complaint Ex.PW-2/A. The complainant while appearing as PW-2 did not state in the complaint that the accused has threatening to kill her and she was being harassed by the accused for the last 2-3 years. However, in the witness box she stated so. In the complaint, she had stated that the accused had abused her but the witness box she did not mention this fact. PW-1 Suresh Chand, father of the complainant, has deposed with regard to the incident, as told to him by his daughter. As per the deposition of PW-1 Suresh Chand, they had gone to the police station in the tempo being driven by his brother. However, as per the deposition of PW-2 Sobha Devi, their statements were recorded at the bus stand Indri, they had gone in an Auto and she did not know the name of the driver. At the same time, the respondent-defence, has produced dairy Ex.D1, which belongs to the complainant PW-2 and the same was written by her. The contents of the dairy Ex.D1 shows that the complainant was known to the respondent previously. The handwriting was examined by an expert DW-2

Parveen Pahuja and as per his report the dairy Ex.D1 was written by the complainant. Once the complainant was known to the accused as is evident from the report of the expert, the allegations of the complainant that the respondent was harassing her became doubtful and did not inspire the confidence of the Court. Moreover, no independent witness to the incident was examined by the prosecution.

After hearing the learned counsel for the petitioner, going through the record, this Court is of the considered view that the judgment of acquittal has been passed after appreciating the evidence in the correct prospective and does not require any interference. Such judgment, containing valid reasons, cannot possibly be interfered with by this Court, in exercise of limited revisional jurisdiction of this Court under Section 401 Cr.P.C., unless and until, the same is illegal, perverse and without jurisdiction. Since, no such patent illegality or legal infirmity has been pointed out by the learned counsel for the petitioner, so, the impugned judgment deserves to be and is hereby maintained in the obtaining circumstances of the case.

In the light of aforesaid reasons, as there is no merit, therefore, the instant revision petition is hereby dismissed as such.

July 04, 2016
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(RITU BAHRI)
JUDGE