

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-10667-2013 in/and
CRM-A-87-MA-2013 (O&M)
Date of decision :5.4.2017

Neelam Rani

....Appellant.

versus

Raghubir Singh and ors

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Navneet Singh, Advocate for
Mr. Pankaj Bali, Advocate for petitioner.

Mr. R.S. Budhwar, Advocate for respondents.

RITU BAHRI, J.

CRM-10667-2013

For the reasons mentioned in the application, the same is allowed.

Delay of 21 days in filing the present appeal is condoned.

CRM-A-87-MA-2013

Present appeal has been filed against the order dated 20.11.2012 passed by the learned Judicial Magistrate Ist Class, Karnal whereby complaint filed by applicant-appellant under Sections 323, 452, 354 and 506 IPC was dismissed.

Brief facts of the case are that complainant-appellant is the resident of Village Raipur Roran, Tehsil Nilokheri, District Karnal. Respondent No. 1 is brother-in-law, respondent No. 2 is son of respondent No. 1 and respondent No. 3 is wife of respondent No. 1. It is further alleged that on

17.5.2007 when appellant was alone in her home, respondent No. 1 tried to

outrage the modesty of appellant and misbehaved with her. On the basis of said incident, DDR No. 9 (Ex P-10) was lodged and complaint was registered against respondents.

In the preliminary examination, appellant-complainant appeared as CW1 and reiterated the incident. Husband of appellant also appeared as CW-2 who also corroborated the stand of the appellant. Dr. Jagbir Singh was examined as CW-4 who proved the MLR (Ex. CW4/B). On the basis of such evidence, accused-respondents were summoned to face trial.

After hearing both the sides and perusing the record, learned trial Court found that the story which has been set up by the complainant is only exaggeration. The Court found that there is no clear and cogent evidence on record to convict respondent No. 1 on such exaggerated version. Dr. Naresh Kumari, Radiologist also stated that no fracture was found on the body of the complainant and injuries were simple in nature. The allegations of outraging the modesty of complainant-appellant were also not mentioned at the time of appearing as CW-1.

Keeping in view the above said fact, no illegality and infirmity has been found in the order passed by the learned Judicial Magistrate Ist Class, Karnal on 20.11.2012.

Dismissed.

(RITU BAHRI)
JUDGE

5.4.2017
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No