

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

CRM A-1146-MA of 2017

Date of Decision: July 20, 2017

Anu Rani	Versus	Applicant
Jagdeep Singh @ Jojo and others		 Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU**

Present : Ms. Jainika Jain Sharma, Advocate
for the applicant.

T.P.S.MANN, J.

The prosecutrix has filed the present application under Section 378 Cr.P.C. for grant of leave to appeal against the judgment dated 2.3.2017 passed by Additional Sessions Judge, Sri Muktsar Sahib, whereby, the accused, namely, Jagdeep Singh @ Jojo and Sandeep Singh @ Seepa, respondents No. 1 and 2, herein, were acquitted of the charges under Sections 120-B, 366, 376, 342 and 506 IPC.

According to the prosecution, the prosecutrix got recorded her statement before ASI Parminder Kaur in Civil

Hospital, Malout to the effect that she was working as Data Operator in Global Data Entry Universal Company, Malout. On 25.3.2016, she came to the company at 8.00 a.m. When she was just entering the office, a Skoda car driven by one young man came there. Jagdeep @ Jojo accused, who was known to her was sitting next to the driver seat and forcibly dragged her in the said car after covering her mouth. They took her in a vacant house in village Tappa Khera and confined her in a room. The other accused, who was armed with a sword kept on standing at the main gate of the house whereas Jagdeep Singh @ Jojo committed rape upon her and also threatened her that if she disclosed about the incident to anyone, her family would be eliminated. Thereafter, both the accused dropped her at Bus Stand, Malout.

Learned counsel for the applicant has been heard and the impugned judgment of acquittal perused.

The prosecutrix while appearing as PW7 admitted in her cross-examination that she was repeatedly writing love letters to Jagdeep Singh @ Jojo accused. Those letters, which are on record as Ex.D1 to Ex.D11 depict that she was aware of the fact that the said accused was not having any intention to solemnize marriage with her and she had herself broken her relationship with him. She also admitted photographs Ex.D12 to Ex.D20,

which were got clicked at the house of Jagdeep Singh @ Jojo accused and identified herself and the accused in those photographs. Both of them were seen in compromising position in some of those photographs and were totally naked. She also admitted in her cross-examination that she used to go to the house of Jagdeep Singh @ Jojo accused to meet him after administering sleeping pills to her mother and brother before leaving. She also used to go with the said accused to various places like hotels and electric tubewell motors in the fields. She also admitted that Jagdeep Singh @ Jojo accused had given her a mobile phone. From those facts, it is very much established that the prosecutrix was having consensual sexual relations with Jagdeep Singh @ Jojo accused and was also aware of his matrimonial status. She used to spend nights at the house of accused Jagdeep Singh besides indulging in sexual acts.

In her testimony, she also stated that she had not received any injury on her person but only given scratches with nails or tooth bites in order to rescue herself. There was also no mark of injury on her body as a result of beatings. She did not raise any alarm when she was in the car or in the house or when she was brought back to the car. She also did not raise any alarm when she was dropped at the bus stand.

The occurrence in question had taken place on

25.3.2016. It was only on 30.3.2016 that she got herself admitted in Civil Hospital, Malout and on receipt of ruqa regarding her admission, ASI Parminder Kaur had reached the said hospital and recorded her statement. There is no explanation regarding the delay in lodging the FIR after five days of the occurrence.

In view of the above, no fault can be found with the impugned judgment of acquittal passed by the learned Additional Sessions Judge, Sri Muktsar Sahib. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

**(T.P.S. MANN)
JUDGE**

July 20, 2017

amit rana

**(MAHABIR SINGH SINDHU)
JUDGE**

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No