

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

211

CRM-A No.1801-MA of 2017
Date of Decision: November 21st, 2017

Pinky

...Applicant

Versus

State of Haryana and another

...Respondents

**CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH**

Present: Mr. Ravindra Jain, Advocate
for the applicant.

M.M.S. BEDI, J. (ORAL)

The prosecutrix, aggrieved by the acquittal of respondent No.2 in a case of rape, has preferred the present appeal against acquittal.

As per the story of the prosecution, the applicant used to do domestic work. She had taken a loan of ₹1,45,000/- from respondent No.2. Except for a sum of ₹20,000/-, remaining amount had been returned by her. On 15.07.2015, at about 3:00 PM, when she was alone in her house, respondent No.2 came and asked for the return of the money otherwise he demanded her to surrender before him. He allegedly caught hold of her, took her inside the room and committed rape on her.

The trial Court granted benefit of doubt to respondent No.2 on appreciation of evidence. The following circumstances weighed before the trial Court while passing judgment of acquittal:-

- (i) There had been money transaction between applicant-prosecutrix and the accused.
- (ii) There is material difference in her version dated 15.07.2015 and the statement made before the Magistrate and the statement made by her on oath in the Court while appearing as PW-10.

It is a case where there was no injury found on the person of the

applicant. On appreciation of evidence, benefit of doubt was granted to respondent No.2.

Counsel for the applicant has taken us through the entire evidence which is in the shape of her statement made on oath in the Court, the statement made under Section 164 Cr.P.C. and the original complaint. He could not satisfy the query of the Court as to why there are three different versions given by her regarding the act of rape by the private respondent.

We have carefully gone through the judgment passed by the trial Court and find that none of the witnesses from the locality or from the family of the prosecutrix i.e. her husband or her father has come forward as a witness to support her version. The trial Court appears to have rightly granted benefit of doubt to respondent No.2.

No ground is made out for reappreciation of evidence to arrive at a conclusion different from the one arrived at by the trial Court.

The application seeking leave to file appeal accordingly fails and is dismissed as such.

(M.M.S. BEDI)
JUDGE

November 21st, 2017
Puneet

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No