

CRM-A-2109-MA-2017

RAJPAL V/S STATE OF HARYANA AND ANR

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Present: Mr. Deepak Basatia, Advocate,
for the applicant.

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Believing the defence of respondent No.3 that the prosecutrix was a consenting party and was major, the trial Court has passed acquittal order of respondents No.2 to 4. Counsel for the applicant has challenged the judgment of acquittal on the basis of birth certificate (Annexure A-1) claimed to be issued by the Registrar, Death and Birth, Yamunanagar, during the ordinary course of official business claiming that the said document was *per se* admissible. It has also been alleged that the applicant had, during the course of investigation, handed over the said certificate to the Investigating Officer after having obtained the same on 06.04.2015 but the investigating agency had not acted upon carefully and withheld the said document with an ulterior motive for extraneous considerations.

We have considered the allegations against respondents No.2 and 4 and are *prima facie* of the opinion that there is no ground to grant leave to appeal against order of acquittal so far as respondents No.2 and 4 are concerned. The application for leave to appeal qua respondents No.2 and 4 is, thus, declined. Leave to appeal qua respondent No.3-Mohan Lal, is, however, granted.

Appeal be registered.

Notice to the Advocate General, Haryana and respondent No.3-Mohan Lal, for 19.07.2018.

(M.M.S. BEDI)
JUDGE

(AUGUSTINE GEORGE MASIH)
JUDGE

14th December, 2017