

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

**CRM-A No.1742-MA of 2015 (O&M)
Date of decision: 27.02.2017**

Charanjit Kaur

.....Applicant/appellant

Versus

Randhir Singh

.....Respondent

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

**Present: Mr. Naresh Kumar Manchanda, Advocate,
for the applicant-appellant.**

Ritu Bahri, J.

CRM No.34608 of 2015

In view of the averments mentioned in the application, same is allowed and delay of 174 days in filing of the application/appeal is condoned.

CRM-A No.1742-MA of 2015

Challenge is to the judgment dated 18.02.2015 passed by the Judicial Magistrate, Ist Class, Moga, whereby accused-respondent has been acquitted of the charges framed against him under Sections 452, 354 and 506 IPC.

Charanjit Kaur (complainant) filed a complaint to the effect that her husband was serving in the Border Security Force as Havaldar. On 10.05.2008, at about 10.15 P.M., she along with her son was sleeping in the courtyard of her house. In the meantime, Randhir Singh (respondent herein) entered the house by breaking open the latch of the door and started

fondling the chest of complainant with an intention to outrage her modesty.

When she woke up, the accused threatened to eliminate the complainant and her son with a knife like sharp object, which he was holding at that time. Then he tore the clothes of the complainant. Upon this, she raised an alarm. On hearing the noise, her son and father-in-law of Tota Singh woke up. Thereafter, accused-respondent ran away from the spot along with his weapon. The matter was reported to the police, but the police did not take appropriate action against the culprit. In this background, the complaint was filed.

On conclusion of the preliminary evidence, accused-respondent was summoned to face trial. After completion of pre-charge evidence, finding a prima facie case, charge under Sections 452, 354 and 506 IPC was framed against the accused-respondent, to which, he pleaded not guilty and claimed trial.

After completion of evidence of complainant, statement of accused-respondent under Section 313 Cr.P.C. was recorded, wherein entire incriminating evidence was put to him. In defence, the accused examined Naib Singh (DW-1), Surjit Singh (DW-2), HC Gurdeep Singh (DW-3) and Sarabjit Singh (DW-4).

Trial Court, after hearing learned counsel for the parties and going through the evidence led by the parties, acquitted the accused-respondent of the charges framed against him. While acquitting the accused, trial Court has observed that earlier, the complainant had got recorded her statement, Ex.DA, with the police. This statement was recorded by ASI Basant Singh on 13.05.2008. While appearing as CW-1, in her cross-examination on 23.12.2014, she acknowledged that ASI Basant Singh had recorded her statement, Ex.DA. In this statement, she mentioned about the grudge, which

was being nursed by the accused, as he had felt that husband of the complainant had insulted his wife, therefore, he wanted to take revenge of that insult. The course of events and the causative grudge so specified in her statement, Ex.DA, was distinct from her version narrated in the complaint. In view of the fact that the complainant had admitted that she put her signatures on statement, Ex.DA, without any pressure or undue influence, the credibility of her version enshrined in the complaint became doubtful. Moreover, there was a delay of two days in getting the statement recorded to the police, as the alleged occurrence took place on 10.05.2008, whereas her statement was recorded on 13.05.2008. Furthermore, there was a political rivalry between the complainant and the accused faction, which was established through the evidence on record. In her cross-examination dated 12.12.2011, the complainant stated that she had aligned with the party of Chand Singh, Sarpanch, whereas accused belonged to the party of Sarabjit Singh, Sarpanch. Sarabjit Singh (DW-4) had deposed that complainant was associated with the party of Chand Singh and the accused-respondent was associated with his party. Further, there was inconsistency in the version given by the complainant (CW-1) and Tota Singh (CW-2). The complainant had stated that she and her husband had gone to the police station alone, whereas Tota Singh (CW-2) had stated that he along with 3-4 persons had visited the police station. In view of the above facts, version of the complainant was rendered unconvincing, implausible and far-fetched and accordingly, accused-respondent was acquitted of the charges framed against him.

In this case, the complainant (petitioner) has miserably failed to lead any cogent and convincing evidence to substantiate the allegations

levelled in her complaint. In the absence of any cogent and convincing evidence against the accused-respondent, scope of interference in the impugned judgment is very limited. Accordingly, having examined the impugned judgment, no illegality, much less perversity has been found therein warranting interference by this Court. The evidence has been appreciated in the right perspective.

Dismissed.

(RITU BAHRI)
JUDGE

27.02.2017
ajp

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No