

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

Criminal Misc.No. A-749-MA of 2017

Date of Decision : August 01, 2017

Manita

....Applicant

Versus

State of Haryana and another

....Respondents

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

Present : Mr. Munfaid Khan, Advocate
for the applicant.

T.P.S. MANN, J.

The prosecutrix has filed the present application under Section 378 Cr.P.C. for leave to appeal against the judgment dated 3.3.2017 passed by Additional Sessions Judge, Rewari.

Vide impugned judgment learned trial Court acquitted Sonu accused, respondent No.2 herein, of the charges under Sections 366, 342, 376 and 506 IPC.

According to the prosecution, on 25.4.2016 the father of the prosecutrix left for Delhi for some work after leaving her at home. When he returned home, he found the prosecutrix missing. Despite several efforts he could not trace her. Apprehending that she had been illegally detained, he submitted complaint at Police Station, Rampura, District Rewari and prayed for taking action against the accused. Subsequent to registration of the FIR on the basis of complaint submitted by father of the prosecutrix, SI Balwan Singh conducted investigation, who recorded statements of

witnesses under Section 161 Cr.P.C. The prosecutrix was recovered on 13.5.2016. She was produced before the Judicial Magistrate for recording her statement under Section 164 Cr.P.C., wherein she claimed that the accused had not only forcibly kidnapped her but also after giving her some sedative, married her, committed forcible sexual intercourse against her wishes and also wrongfully confined her.

After hearing learned counsel for the applicant and on going through the impugned judgment of acquittal, this Court finds that the prosecutrix was admittedly more than 18 years of age on the day when she was said to have left her house after accused came to her house and told her that her friend was calling her in the college. She left with the accused on his motorcycle but then shifted to a Bolero vehicle. She was then taken to Arya Samaj Mandir where she married the accused. She remained with the accused for 18/19 days. It has also come in the evidence that the prosecutrix and the accused were previously also regularly in touch on mobile and on 25.4.2016 when she left the house of her father she took her proof of identity and then got married in Arya Samaj Mandir on 26.4.2016 in the presence of Monu and DW2 Amit. The accused then brought her to his village from where on 9.5.2016 her father and cousin took her on the pretext to let her visit her house. From 9.5.2016 till 13.5.2016 she was pressurized by her family. The prosecutrix, while deposing as PW16, her brother as PW6, her father as PW7 and ASI Kusam Lata as PW2, besides SI Balwan Singh Investigating Officer as PW5 have given different versions which makes the prosecution case highly doubtful. Her version that she was

abducted by the accused in a vehicle by giving her sedative makes the version improbable. Despite being major, she sat on a motorcycle with the accused who was known to her and then shifted in a car voluntarily and, that too, in broad day light from a public place. As regards giving of sedative after mixing it in a cold drink by the accused, she has deposed that the accused had opened the cold drink bottle while driving the vehicle and gave her the same by pouring it in a glass. Though she denied her marriage with the accused in Arya Samaj Mandir by claiming that she was under the effect of sedative yet photographs Mark DC/1 to Mark DC/16 are indicative of the fact that she was bent upon to deny the facts. In those photographs, the prosecutrix was shown to be in a joyful mood with the accused which fact is corroborated by DW2 Amit. She had been roaming around with the accused for a pretty long time but did not offer any resistance. That confirms the fact that she had been a consenting party all this while.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal passed by the learned trial Court.

The application is without any merit and, therefore, dismissed.
Leave to appeal is declined.

	(T.P.S. MANN)	(MAHABIR SINGH SINDHU)
	JUDGE	JUDGE
August 01, 2017		
satish		

Whether reasoned/speaking : YES / NO

Whether reportable : YES / NO