

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CRM-A-959-MA of 2015

Date of decision : February 02, 2017

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Vidya Devi

.....Petitioner

Versus

Babu Ram and others

.....Respondents

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CORAM: HON'BLE MS. JUSTICE RITU BAHRI

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Present: Mr. J.P Sharma, Advocate for the petitioner no.1.

Mr. Parminder Singh, Advocate for respondents no 1 to 3.

Mr. D.R Singla, DAG, Haryana for respondent no.4.

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RITU BAHRI, J.

The complainant Vidya Devi has come up in appeal against the judgment dated 27.1.2015 passed by the Judicial Magistrate First Class, Karnal, whereby the respondents have been acquitted after facing a trial under Sections 323, 452, 354 and 506 read with Section 34 IPC.

Briefly stated, the facts of the case are that the complainant Vidya Devi filed a complaint against Babu Ram and others on the allegations that on 15.11.2010 at about 10.00 a.m, when the complainant was busy at her house doing domestic chores, accused Babu Ram tried to outrage her modesty. At that time, the elder son of complainant had gone out of house for some personal work and younger son Baljit was working in the cattle yard. Accused Narsi, Sukhbir and Rinku were holding lathies in

their hands. Babu Ram gave her slaps and fist blows and tried to rape her. Narsi, Sukhbir and Rinku also started beating the complainant with slaps and fist blows. The complainant raised noise then son of the complainant Baljit came there but the accused persons also attacked him. She and her son Baljit allegedly fell unconscious and regained their consciousness after two hours of the incident. When they became conscious, the accused persons present in the Court gave them life threats.

CW-2, Baljit corroborated the version of the complainant. The trial Court held that it was not appealing to reasonable mind that a son would not come to rescue of his mother when she raised an alarm. Further is was improbable that the accused would wait for two hours for the complainant and her son to regain their consciousness and then give them life threats. The testimony of CW-2 was not held to be credible and even the version of CW-1 Vidya Devi complainant was held to be suffering from doubts and discrepancies and could not be made the sole ground to convict the accused. Moreover in the trial Court judgment, the previous litigation between the family members of the complainant and the accused persons has been given in detail in paragraph 11. The judgment of acquittal has been rightly passed and does not suffer from any infirmity.

In view of all that has been discussed above, no interference of this Court is warranted in the judgment passed by the Court below. Hence, the present appeal is dismissed.

February 02, 2017

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(RITU BAHRI)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No