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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 205/2017 and CrI. M.A. No.4911/2017

JAGJIT KAUR

..... Petitioner

Through: Mr. Neeraj Kumar Jha, Advocate.

versus

STATE & ANR.

..... Respondents

Through: Mr. Mukesh Kumar, APP along with
SI Umesh Yadav, PS-Tilak Nagar, for
the State.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

30.03.2017

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The petitioner has preferred the aforesaid revision petition to assail the judgment dated 14.10.2016, whereby the accused has been acquitted of the offence under Section 376/ 506 IPC in respect of case FIR No.922/2015 registered at PS – Tilak Nagar. The petitioner also seeks condonation of 57 days of delay in filing the present petition by moving the aforesaid application.

The Trial Court has acquitted the accused on account of the fact that the prosecutrix/ petitioner did not support the charge when she was examined as PW-1. In her testimony, it has come out that she wanted to marry the accused and the accused had refused to marry her and, therefore, due to anger, she lodged the complaint at PS - Tilak Nagar against him. She specifically stated that the accused had not established any physical relations with her forcibly, or on the false pretext of marriage and that she was never

threatened by the accused. In her cross-examination conducted by the learned APP, she had stated that she was angry with the accused as he refused to marry her, and due to anger, she had lodged the complaint against him.

The submission of learned counsel for the petitioner is that the prosecutrix did not support the case of the prosecution on account of the fact that she was under threat and coercion from the accused.

I may observe that in respect of the alleged threat and coercion exercised by the accused upon the complainant/ prosecutrix, another FIR has been registered being FIR No.43/2017 dated 01.02.2017 at PS – Hari Nagar.

In my view, there is no merit in this petition because the petitioner has now claimed that she was under threat/ coercion received from the accused – on account of which she did not support the case of the prosecution. That alleged offence is under investigation in case FIR No.43/2017 registered at PS – Hari Nagar under Section 323/ 341/ 506 IPC. If, and when, the accused is found guilty in the said case, and if a finding is returned to the effect that the prosecutrix was threatened, or coerced when she deposed as PW-1 in the present case so as to prevent her from deposing truthfully in the present case, it may be open to the petitioner/ prosecutrix to seek re-opening of the judgment in the present case.

The petition is, accordingly, dismissed with the aforesaid observations.

VIPIN SANGHI, J

MARCH 30, 2017

B.S. Rohella