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

+ CRL.L.P. 495/2016

STATE (GNCT OF DELHI)

..... Petitioner

Through :Mr. Amit Gupta, APP with SI
Thakur Singh, P.S. Ch. Mahal

versus

MOHD IMRAN

..... Respondent

Through :Mr. Krishan Kumar and Mr. S.P.
Nangia, Advs.

CORAM:

HON'BLE MR. JUSTICE A.K. PATHAK

ORDER

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25.07.2017

Crl. M.A. no. 14538/2016

Delay of 22 days in filing is condoned, for the reasons explained in the application. Application is disposed of.

CRL.L.P. No. 495/2016

Petitioner seeks leave to appeal against the acquittal of the respondent for the offence under Sections 354-D/506/509 IPC. Respondent has been acquitted by the Learned Metropolitan Magistrate, Delhi vide judgment dated 17th May, 2016. FIR was registered on the complaint of PW1, who has alleged in the FIR that respondent was her neighbour. Respondent used to approach her mother with the marriage proposal. When her mother refused, he started pressurizing her and also abused her. Respondent was

having evil eyes on her and her sister. Whenever they used to go out of the house, he used to follow them and hurl unwanted comments. When they objected to his acts, he commented on their character and defamed them. Sister of PW1 also stepped into the witness box as PW2 and deposed in Court that respondent was their neighbour. He used to propose her and her sister for marriage and whenever she denied, he used to pressurize and abuse her. Respondent used to have evil eyes on her and her sister. Whenever she and her sister went out of the house, respondent made indecent remarks on them, inasmuch as, used to say bad things regarding their character. While deposing in Court, PW1 has stated what she had stated in the FIR. Trial court has held that only complainant and her sister had entered in the witness box; no other person was produced by the prosecution to prove its case beyond the shadow of reasonable doubts.

I do not find any perversity in the impugned judgment passed by the trial court. As per PW1 and PW2, respondent used to approach their mother with the marriage proposal and when she refused, he hurled abuses at her. Surprisingly, mother of PW1 and PW2 has not stepped in the witness box nor her statement under Section 161 of the Cr.P.C. was recorded during the investigation. Statements of PW1 and PW2 alleging stalking against the

respondent are vague and without any details, inasmuch as the details of alleged comments and abuses have not been spelled out. No neighbour was examined to show that respondent had indulged in character assassination, thereby defaming the PW1 and PW2.

Be that as it may, I am of the opinion that the view taken by the trial court is a possible view on meticulous scrutiny of evidence adduced by the parties and does not suffer from any perversity. For the foregoing reasons, no case is made out by petitioner for the grant of leave to appeal against the acquittal of respondent.

Petition is dismissed.

A.K. PATHAK, J.

JULY 25, 2017

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