

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

**CRM-A-1146-MA-2018
Date of Decision: 31.08.2018**

Jai Chand

.....Applicant.

Versus

State of Haryana and others

.... Respondents

**CORAM : HON'BLE MR. JUSTICE T.P.S.MANN
HON'BLE MR. JUSTICE FATEH DEEP SINGH**

Present: Mr. Abhimanyu Singh, Advocate, for the applicant.

T.P.S. Mann, J.

The applicant, who is father of the prosecutrix, has filed the present application under Section 378(3) of the Code of Criminal Procedure, for grant of leave to appeal against the judgment dated 27.02.2018 passed by learned Additional Sessions Judge, Nuh (Mewat), whereby Ravi and Amarjeet @ Manjeet accused, who are respondents No. 2 and 3 herein, were acquitted of the charges under Sections 376-D and 506 IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.

According to the prosecution, Satyawati @ Kali accused used to serve food to the prosecutrix by mixing something in it and thereafter, send her into the room of Manjeet and Ravi to sleep with them. Both Manjeet and Ravi used to commit rape upon her. They also used to threaten her that they had made her video and would make it viral, if she disclosed about the incident to anyone. When she came to know that she was pregnant, she narrated the incident to her parents.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that in order to sustain the charge against respondents No.2 and 3 herein, the prosecution examined the prosecutrix as PW4, her mother as PW2 and father as PW3. However, none of them deposed anything against respondents No. 2 and 3. They specifically testified that respondents No.2 and 3 were not the persons, who had sexually assaulted the prosecutrix. Despite being cross-examined by learned Public Prosecutor after getting them declared as hostile, the prosecution could not bring any material on record so as to connect respondents No. 2 and 3 with the crime.

Learned counsel for the applicant has submitted that at the trial of the case, the prosecutrix and her parents could not depose against respondents No. 2 and 3, as they had been threatened with dire consequences, in case they levelled any allegation against the said respondents. However, it has not been explained as to when respondents No. 2 and 3 had threatened the prosecutrix and her parents or at what point of time, the threats ceased to exist.

In view of the above, no case is made out for any interference in the impugned judgment of acquittal. The application is without any merit and, therefore, dismissed. Leave to appeal is declined.

(T.P.S. MANN)
JUDGE

31.08.2018
ds

(FATEH DEEP SINGH)
JUDGE

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