

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-A-1639-MA-2016(O&M)

Date of decision: 20.11.2018

Union Territory, Chandigarh

.. Applicant.

vs.

Pawan Kumar

.. Respondent

Coram: Hon'ble Mr. Justice Rajeev Sharma
Hon'ble Mr. Justice Harinder Singh Sidhu

Present:- Ms. Ashima Mor, Additional Public Prosecutor
for UT, Chandigarh.

Rajeev Sharma, J.
CRM-28455-2016

In view of the grounds taken in the application, which is duly supported by an affidavit, delay of 39 days in filing the appeal is condoned.

Criminal miscellaneous application is accordingly allowed.

CRM-A-1639-MA-2016

This appeal is instituted against the judgment of acquittal dated 14.03.2016 rendered by learned Additional Sessions Judge-cum-Judge Special Court, Chandigarh in Sessions Case No. 73 of 2015 whereby the respondent was charged and tried for an offence under Sections 376 and 420 IPC.

The prosecutrix was medicolegally examined. The FIR was registered. The investigation was completed and challan was put up after completing all the formalities.

The case of the prosecution in nutshell is that the prosecutrix PW-2 lodged a complaint before the Senior Superintendent of Police, Police Headquarter, Sector-9, Chandigarh to the effect that she had been working as a Competent in Competent Call Centre, Sector 34, Chandigarh. She

came in contact with the respondent in the year 2006. He introduced himself as a property dealer. He assured her for getting better job. He got her a job in UT Builders and Promoters Pvt. Ltd. Sector 34, Chandigarh. He stated himself as a divorcee. They married secretly in Kalka Mandir, Pinjore, District Panchkula. They started living as husband and wife at H. No. 178, Phase 3-A, Mohali. She got pregnant. She was taken to Government Hospital, Sector 16, Chandigarh. Thereafter, they also went to Thailand for honeymoon. Passport was got prepared by the respondent. It is in these circumstances, the FIR was lodged.

The prosecution examined number of witnesses.

The statement of accused under Section 313 of the Code of Criminal Procedure was recorded to which he pleaded his false implication and stated that it was a case of blackmailing.

We have heard learned counsel for the applicant and have gone through the judgment and record.

The prosecutrix appeared as PW-2. She deposed that she came in contact with the respondent. The marriage was solemnized between them on 20.10.2010 in Kalka Mandir, Pinjore. Thereafter they lived together as husband and wife. They had even gone to Thailand for honeymoon. She gave birth to a baby child. She had earlier lodged a complaint with the Women Cell, Sector 17, Chandigarh. During the course of her cross-examination, she admitted that she went to the house of the respondent on 20.10.2010. No body was present at that time. They both stayed there for about 5 hours. She was medico-legally examined by PW-4 Dr. Shipra Gupta, Medical Officer, GMSH, Chandigarh.

In these circumstances, no case is made out against the respondent for an offence punishable under Section 376 and 420 IPC.

Dismissed.

(Rajeev Sharma)
Judge

(Harinder Singh Sidhu)
Judge

20.11.2018
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Whether speaking/reasoned	Yes
Whether Reportable:	Yes/No