

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

**CRM A-1936-MA of 2017
Date of Decision : October 9, 2018**

AnmolApplicant

Versus

State of Punhjab and others Respondents

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

Present : Mr. Diwan S. Adlakha, Advocate
for the applicant.

T.P.S.MANN, J.

The prosecutrix has filed the present application under Section 378(4) of the Code of Criminal Procedure, 1973 for grant of leave to appeal against the judgment dated 1.4.2017 passed by learned Sessions Judge, Mohali, whereby, Sunny @ Thomas, Manohar Lal and Chand Rani accused, who are respondents No. 2 to 4 herein were acquitted of the charge under Sections 363, 366-A, 376 and 372 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

According to the prosecution, the prosecutrix was permanent resident of House No.2127, Sector 31, Chandigarh but residing on the first floor of Shop No. 29, 1st Floor, Saini Vihar,

Phase-5, Baltana. Several times after picking up quarrel with her mother, she would go to her relatives' place and return after 5/7 days. Her mother wanted her to marry against her consent but she declined to go in for the marriage. In the meanwhile, she developed friendship with respondent No.2-Sunny @ Thomas. On the pretext of marriage, he took her to Sector 47 Chandigarh where he kept her in rented accommodation for 10/12 days and also committed rape upon her. Thereafter, he made her to board the bus and sent her to Babu Lal Singh Colony, Jalandhar where his mother was residing, who initially kept her properly but, thereafter, started using her for immoral purposes. She came to know that Sunny @ Thomas was already married and had committed rape upon her by making false promise of marriage and also threatened her not to disclose about the same to anyone. Accordingly, she sent a message to her mother, who came to Jalandhar and she accompanied her mother back. Out of fear, the prosecutrix did not disclose about the occurrence for few days. However, through some acquaintances, there were efforts made for a compromise but the same did not materialize.

After hearing learned counsel for the parties and on perusing the record, learned trial Court acquitted accused/respondents No. 2 to 4 of the charge framed against

them.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that in order to prove its case, the prosecution examined the prosecutrix as PW1 and her mother as PW2. However, both of them did not support the prosecution version. The prosecutrix stated that she was seeing the accused for the first time in the Court and came to know the names of the accused as Sunny @ Thomas, Manohar Lal and Chand Rani. She also stated that at no point of time, she had been sexually assaulted by any person. She denied making of statement Ex.PW1/A. Though, she admitted her signatures on the same but she explained that the same were obtained on blank papers. She also denied the contents of memos Ex.PW1/F and Ex.PW1/G. Similarly, the mother of the prosecutrix denied knowing the accused, rather, according to her she had seen them for the first time in the Court and came to know their names. She also stated that at no point of time her daughter had been sexually assaulted by any person. She denied making of statement Ex.PW2/A as well as Ex.PW1/A. She explained her signatures on those documents, having been obtained on blank papers. She denied preparing of memo Ex.PW1/F.

Once the prosecutrix as well as her mother have not

supported the case of the prosecution, no fault can be found with the impugned judgment of acquittal passed by the learned trial Court.

Resultantly, the application is dismissed and leave to appeal is declined.

(T.P.S. MANN)
JUDGE

October 9, 2018
amit rana

(FATEH DEEP SINGH)
JUDGE

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