

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

**CRM-A-764-MA-2016 (O & M)
Date of decision: 07.03.2018**

Baljit Singh

.....Applicant

Versus

State of Punjab and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI
HON'BLE MR. JUSTICE INDERJIT SINGH**

Present: Mr. H.S.Rakhra, Advocate,
for the applicant.

A.B. CHAUDHARI , J (Oral)

CRM-12475-2016

Allowed as prayed for, subject to all just exceptions.

Annexures A-1 to A-3 are taken on record.

CRM-A-764-MA-2016

This is an application filed by the present applicant-complainant for grant of leave to appeal against the judgment dated 07.12.2015 passed in Session Case No.44 of 31.07.2015 by learned Additional Sessions Judge, Bathinda.

We have heard learned counsel for the applicant and with his assistance, we have also gone through the impugned judgment of acquittal made by learned Additional Sessions Judge, Bathinda.

From the impugned judgment and as undisputed by learned counsel for the applicant, it is seen that the prosecutrix as well as her mother, who were star prosecution witnesses, have categorically turned hostile and did not support the case of prosecution. As such, theory of rape on the prosecutrix was not at all be proved by the prosecution before the trial Court.

Learned counsel for the applicant thus submitted that medical evidence was enough to record the conviction. We do not agree. The victim-prosecutrix and her mother, both decided not to support the prosecution version and even not to identify the accused persons before the trial Court. The trial Court has not erred in acquitting the respondents-accused persons. In the result, we do not find any merit in the present appeal.

Hence, the application seeking leave to appeal against the judgment of acquittal is dismissed.

(A.B. CHAUDHARI)
JUDGE

(INDERJIT SINGH)
JUDGE

07.03.2018
parveen kumar

Note:	Whether speaking/reasoned	:	Yes/No
	Whether reportable	:	Yes/No