

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

CRM A-816-MA of 2018

Date of Decision : November 20, 2018

Renu

.....Applicant

VERSUS

State of Haryana and another

.....Respondents

**CORAM: HON'BLE MR. JUSTICE T.P.S. MANN
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI**

Present : Mr. Rohit Ahuja, 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 for grant of special leave to appeal against the judgment dated 29.11.2007 passed by learned Additional Sessions Judge, Faridabad whereby Rahul, the sole accused in the case, was acquitted of the charge under Sections 376 and 506 IPC.

According to the prosecution, the accused was a neighbour of the prosecutrix, who had been asking her to meet him but she refused to do so. On 23.5.2016 at 1.00 p.m., she went to throw garbage in a vacant land near the house of the accused. When she was passing near the house of the accused,

he caught hold of her hands and pushed her inside his house. He then committed rape upon her. He threatened to kill her brother in case she narrated the incident to any one. On 28.4.2016, he offered her a SIM and asked her to remain in touch with him but she refused.

Having heard learned counsel for the applicant and on going through the impugned judgment, this Court finds that the applicant was 21 years of age at the time of offence and, thus, a mature lady. She had studied upto 12th class and was having sufficient maturity on account of her age to know as to what was good or bad for her. Further, the offence had been committed on 25.3.2016 and despite the fact that she was herself 12th class pass and living with her parents and three brothers, she did not narrate the incident either to her family members or to the police. The silence on her part indicated that either there was some willingness or infatuation of the prosecutrix towards the accused or his false implication. She had reported the matter to the police after about 43 days of the incident.

It may also be mentioned here that the prosecutrix had lodged an FIR against one Pardeep and others for kidnapping her. In that regard, FIR No. 269 dated 17.9.2011 under Sections 363, 366, 354 and 34 IPC was registered at Police Station Saran. In that case, the prosecutrix's mother and brother turned hostile. Though the case was decided on merits

yet the prosecutrix testified during her cross-examination in the present case that her signatures were taken on blank papers in the Court.

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. Special leave to appeal is declined.

(T.P.S. MANN)
JUDGE

November 20, 2018
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(ARUN KUMAR TYAGI)
JUDGE

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