

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

**Crl. Revn. No. 2968 of 2017 (O&M)
Date of decision : 10.10.2018**

Preeti

.....Petitioner(s)

Versus

Sandeep and others

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Balraj Gujjar, Advocate
for the petitioner.

ANITA CHAUDHRY, J.

CRM-338-2017

This is an application seeking condonation of delay of 338 days in filing the revision. The delay occurred in the office of the counsel. There were objections and delay in refiling. For the reasons set out in the application, same is hereby allowed as prayed for. Delay of 338 days in filing the revision is condoned.

MAIN CASE

A complaint was lodged by Preeti a married woman who was pursuing her M.Com. from Rohtak. The allegations levelled in the FIR were that the accused made a call to her on her mobile number and she objected and then he sent text messages requesting to meet her. Complainant narrated the incident to her mother-in-law. They complained to the family members of the accused Monu. The allegations further were that Monu and Sandeep

used to pass derogatory remarks and used filthy language when she passed by. The mother-in-law tried to persuade the boys but they did not pay heed to her requests. The allegations further are that they threatened to shoot her.

On formal complaint being lodged the juveniles were arrested. The complainant made a statement under Section 164 Cr.P.C. and a final report was laid.

Notice of accusation was served upon juveniles under Sections 354-D and 506 IPC. They pleaded not guilty.

To establish the guilt, the complainant and her mother-in-law stepped into witness box besides the official witnesses. The accused had contended that the complainant had approached the Chief Minister's Grievance Cell and the accusations were found to be false.

The trial Court noted that the complaint was silent and did not give the date of incident and it also found that the complainant had improved her version when she appeared in the witness box. The Court also found that the call details pertaining to the complainant's mobile number had not proved and it was difficult to accept her statement. It also found that the message which was sent had not been proved and the trial Court recorded acquittal under both the charges.

I have heard the counsel for the petitioner at great length. The record has also been perused and I find that vague allegations have been made. The complainant failed to give the date or time of the incident. She failed to hand over her mobile phone on which the call/message was received. The prosecution had also failed to prove that the call if any was

made from the phone of the accused. The text message allegedly sent by one of the accused was not proved. The trial Court had rightly noted that the complainant had made improvements in her statement in the Court. Considering the above, I find no illegality in the order passed by the Court below.

The petition is dismissed.

10.10.2018

Sunil

(ANITA CHAUDHRY)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No