

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2299 of 2018 (O&M)
Date of Decision: 18.7.2018

Sapna

.....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Sanjeev Kumar Aggarwal, Advocate
for the petitioner.

ANITA CHAUDHRY, J

This revision is directed against the order dated 14.6.2018 passed by the Additional Sessions Judge, Jind who dismissed the application filed by the petitioner for summoning additional accused.

Few facts are necessary. A complaint was lodged by the victim against Naveen and three unknown people. The victim was 16½ years old at the time of the incident. It was alleged that Naveen was resident of her village and he along with three unknown persons used to tease her for the last several months when she was alone. The allegations are that on 8.10.2017, Naveen came to her house at 10.00 P.M. The complainant's father was out in the fields. Her mother was not well and her younger brother was at home. The complainant opened the door and found Naveen standing outside. He caught hold her hand and she was taken away on the motor cycle to the fields by Naveen and three other persons and she was raped and left at her house at 4.00 A.M. in the morning. A threat was given to her. The matter was reported by her to her uncle and his son.

In the statement made under Section 164 Cr.P.C., the victim only named Naveen. She did not make any allegation that there was any other person. Her statement was thereafter recorded before the Child Welfare Committee and there too she referred to Naveen and no one else. The police investigated the case and filed the challan only against Naveen.

At the trial, the victim named three other persons who had allegedly come along with Naveen and thereafter an application was moved for summoning three additional accused who were stated to be residents of village Mokhri. The trial Judge dismissed the application and the reasons are recorded in para 10 to 13. The trial Court disbelieved the testimony of the victim so far as the additional accused were concerned and it rightly doubted it as the victim did not name the additional persons in her statement made before the Magistrate or before the Child Welfare officer and even before the medical officer. All the statements and the MLR are available on record which show that the victim had only named Naveen. The trial Court had rightly observed that the three persons additionally named were of the same village and there was no reason why she could not name them in the initial version given to the police or in the subsequent statements made before different authorities.

The order passed by the trial Court cannot be said to be perverse. There is no merit in the petition. The petition is dismissed in *limine*.

(ANITA CHAUDHRY)
JUDGE

July 18, 2018
Gurpreet

Whether speaking/reasoned	:	Yes
Whether reportable	:	No