

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. 2413 of 2018 (O&M)

Date of decision : 26.7.2018

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Savita @ Phhulo and another

.....Petitioners

vs.

State of Haryana and another

.....Respondents

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Ajay Kumar, Advocate
for the petitioners.

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H. S. Madaan, J.

This revision petition is directed against order dated 20.7.2018, passed by Additional Sessions Judge (Exclusive Court for Heinous Crime against Women), Kurukshetra, vide which the application under Section 319 Cr.P.C. moved by prosecution, was allowed and Savita @ Phullo w/o Shiv Kumar and Satish s/o Maya Ram, were summoned as additional accused. Both such persons have felt aggrieved by the said order and have knocked at the door of this Court by way of filing the present petition.

Briefly stated, facts of the case are that the complainant

in the statement made to the police, which formed basis for registration of FIR, had sought taking of action against Hoshiar Singh @ Kala, Savita @ Phhulo and Satish on the allegations that in the first week of June 2017, when complainant was sleeping in the room of her house, then she found her neighbourer Hoshiar Singh @ Kala to be there; that Hoshiar Singh @ Kala gagged her mouth and sprayed something on her face. Resultantly, she lost consciousness. Then he committed rape with her. On the next day the complainant regained consciousness. Savita @ Phhulo is sister-in-law of Hoshiar Singh @ Kala and milk was being supplied to the house of complainant, by them. On that day Savita @ Phhulo had called the complainant to her house for taking milk and stated that she was aware of the incident which had taken place on the previous night. She asked her to act as per the wishes of Hoshiar Singh accused. The complainant become shocked. According to the complainant she had been residing in the house alongwith her daughter and mother-in-law and has been working as Anganwadi worker in the village; that her husband is serving in the Army, posted at Kolkatta; that Hoshiar Singh and Savita mixed something in the milk which they had supplied separately to the complainant; that they asked the complainant to serve milk laced with intoxicant to other members of the family; that Hoshiar Singh came to the house of the complainant and committed rape upon her, whereas, Savita kept a watch from outside; that on 30.6.2017, Savita told the complainant that accused Hoshiar Singh had taken her objectionable photographs and made video in the smart phone of Satish and if the complainant disclosed anything to any

other person, then those photographs and videos will be uploaded on social media. Thereafter, Savita raised a demand of gold from the complainant. Under threat and duress, the complainant gave gold ring worth Rs.10,000/- to her. According to the complainant, she suffered mentally and physically, so did her daughter and mother-in-law. Then they stopped taking milk from the house of the accused. On the same night, Hoshiar Singh came to her house and committed rape on her and threatened her. Several other details of the incident are given in the FIR. It is also mentioned that accused Savita @ Phhulo had fleeced Rs.20,000/- from the complainant. There is mention of accused persons committing wrong with her forcibly.

After registration of FIR, only Hoshiar Singh was challaned. During the trial against Hoshiar Singh, an application under Section 319 Cr.P.C. was filed for summoning of Savita @ Phhulo and Satish as additional accused, which has been allowed by the trial Court.

A perusal of the impugned order goes to show that it is detailed and well reasoned one. The latest law on the subject has been taken into consideration, while passing the order. The Court has observed that at the stage of passing order, there was no reason to disbelieve the allegations levelled by the victim against Savita and Satish and there was nothing on record to show that the victim has any ulterior motive to falsely implicate them to be arraigned as accused in the present case and further the Court found sufficient evidence on record to exercise the powers under Section 319 Cr.P.C.

The Court has exercised its jurisdiction in a judicious manner. There

is no illegality or infirmity in the impugned order, much less apparent on the face of it. Thus there is not ground to interfere with the impugned order, while exercising the revisional jurisdiction of this Court.

The petition being without any merit, stands dismissed.

26.7.2018
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(H.S. Madaan)
Judge

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