

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

218

CRM-A-1488-2019 (O&M)
Date of decision : 30.10.2019

State of Haryana

..... Appellant

versus

Ramjan Khan

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI
HON'BLE MRS.JUSTICE ALKA SARIN**

Present : Ms. Palika Monga, DAG, Haryana.

AJAY TEWARI, J. (Oral)

CRM-22807-2019

1. For the reasons recorded, the application is allowed. Delay of 72 days in filing the appeal is condoned.

Main case

2. This is an application for leave to appeal filed by the State of Haryana against the acquittal of the respondent in case FIR No.414 dated 07.12.2017 registered under Sections 365 IPC and Section 4 of POCSO Act at P.S. Bhuna by Judge (Special Court), Fatehabad vide order dated 07.02.2019.

3. As per the complaint the sister of the complainant had been enticed away by the respondent. They were both recovered together. However in her statement the girl claimed to be about 17 years old and stated that she had gone with the respondent on her own free will. In paragraph 36 of the impugned judgment the Trial Court has given cogent reasons for coming to the conclusion that she was not a minor.

4. Learned Deputy Advocate General has not been able to point out any objective evidence which may lead to the conclusion that she was a minor because the date of birth furnished was only a photostat copy which the investigating agency had claimed was given to them by the girl but which the girl denied.
5. In the circumstances, we see no reason to take a different view to that taken by the Trial Court. Leave to appeal is declined.
6. Since the main case has been dismissed, the pending Crl.Misc. Application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(ALKA SARIN)
JUDGE

30.10.2019
pooja sharma-I

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