

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

CRR-430-2020

Date of Decision: 11.02.2020

Suhail Raja @ Raja

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present:- Mr. Rahul Jaswal, Advocate
for the petitioner.

MANJARI NEHRU KAUL, J. (Oral)

Instant revision has been preferred to impugn the charges framed by the learned Additional Sessions Judge, Panipat under Sections 363/342/376-DA/354-A/506 IPC and under Sections 6, 10 and 17 of the Protection of Children from Sexual Offences Act, 2012.

The learned counsel for the petitioner has vehemently argued that on perusal of the allegations levelled in the FIR in question no grounds are made out to attract the aforementioned offences. It was submitted that a thorough investigation was conducted by the Investigating Agency who deleted offences under Section 376-DA, 506 IPC and Section 6 of the POCSO Act, 2012. However later on when the challan was filed, offences under Section 06 of the POCSO Act and 342 of the IPC were added.

It was further submitted that the medical evidence was contrary to the ocular version and the statement of the prosecutrix was recorded under Section 164 Cr.P.C. after almost one and a half month of the alleged occurrence.

I have heard, learned counsel for the parties and gone through the impugned order as well as the FIR in question. A perusal of the FIR in question clearly reveals that the victim who was a minor aged 15 years, was lured by the

petitioner on the pretext of marriage on 14.09.2019. The petitioner after calling the victim to Civil Hospital, Panipat lured her to sit in a car which was being driven by co-accused and other unknown persons who after driving a short distance, got down from the car, leaving the victim with the petitioner. Thereafter, the petitioner removed his clothes while sitting on the rear seat of his car and forcibly made the complainant remove her clothes. Thereafter the victim was sexually assaulted by him and threatened with dire consequences in case she revealed the incident to anyone.

Hence, in light of the aforementioned allegations, which finds reflected in the FIR in question I do not find any ground which would warrant the interference of this Court in the exercise of its revisionary jurisdiction to set aside the chargesheet since a prima facie case is clearly made out at this stage.

Accordingly the revision is dismissed.

February 11, 2020
Sunil Devi

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking / reasoned?
Whether reportable?

Yes / No
Yes / No