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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-A No.2138 of 2019 (O&M)
Date of Decision: 16.01.2020

U.T., Chandigarh

Applicant-appellant

Versus

Birender Singh @ Sonu and another

Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. J.S. Toor, Addl. P.P., U.T.
for the applicant.

AJAY TEWARI, J (Oral):

CRM No.29504 of 2019:

This is an application filed for condonation of delay of 218 days in filing the application for grant of leave to appeal.

Allowed as prayed for. The delay of 218 days in filing the application for grant of leave to appeal is condoned.

CRM-A No.2138 of 2019:

[1] This is an application filed for grant of leave to appeal against acquittal of the respondent No.2 namely Lovely Shakhia in FIR No.16, dated 13.01.2018 u/ss 363, 366, 368, 376 IPC and Section 4 of POCSO Act registered at P.S. 39, Chandigarh.

[2] As per the prosecution, the brother of the present respondent had raped the prosecutrix. As per version of the

prosecutrix, she went to Delhi with the convict where she stayed at the house of the present respondent No.2. It is on that ground that the present respondent No.2 was roped in.

[3] The trial Court had found that the story about the present respondent No.2 was not coherent because prosecutrix had stated different facts at different times about her trip to Delhi. As per her, respondent No.1 had applied vermilion on her head and declared that she was got married to her brother. It is also not disputed that at the time of occurrence the prosecutrix was 17½ years. In the circumstances, the trial Court came to the conclusion that the abetment of the present respondent No.2 is not made out. As regards the convict, the plea taken is that he has wrongly been acquitted under Section 363, 366 and 376 of IPC. In this regard, the trial Court has held that the prosecutrix went with him willingly.

[4] We see no merits in the application.

[5] Dismissed.

[6] Since the main case is dismissed, pending application, if any, stands disposed of.

**[AJAY TEWARI]
JUDGE**

**[AVNEESH JHINGAN]
JUDGE**

January 16, 2020

pankaj baweja

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No