

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRA-AS-277-2019
Decided on : 14.01.2020

Ravina

..... Appellant

Versus

State of Haryana & ors.

..... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.K.Girdhwal, Advocate
for the appellant.

Manjari Nehru Kaul, J.

Instant appeal has been filed against the judgment dated 03.07.2019 passed by Addl. Sessions Judge (Exclusive Court), Jhajjar vide which respondents No.2 to 4 were acquitted in case FIR No.461 dated 24.09.2018 registered under Sections 341, 354-D and 509 read with Section 34 IPC and Section 12 of POCSO Act at Police Station Beri District Jhajjar.

The case of the prosecution in brief was that a complaint dated 24.09.2018 was moved by the victim wherein she stated that on the said date at about 7.50 am in the morning, when she was on the way to her school from her maternal uncle's house, respondent No.2 -Vicky came to her and handed over a slip. On her refusal to accept the same, he insulted her on which she told him that she would disclose the incident to her maternal uncle. Thereafter, when the victim along with her friends reached near the school, respondent No.2-Vicky along with two more boys came there and stopped his car by screeching to a halt, which splattered mud and water all

over the clothes of the victim. Thereafter, accused started laughing and indulged in use of unparliamentary language. It was in this background, the FIR in question was lodged against the accused-respondents.

Accused were thereafter arrested and on completion of investigation, final report under Section 173 Cr.PC was presented. Subsequently, charges were framed for the offences punishable under Sections 341, 354D and 509 read with Section 34 IPC and Section 12 of POCSO Act to which the accused pleaded not guilty and claimed trial. Prosecution in support of its case examined as many as 11 witnesses including the victim besides tendering other relevant documents. The victim supported the case of the prosecution, however, the eye-witnesses did not support the case of the prosecution and were declared hostile. In their statement recorded under Section 313 Cr.PC, the accused denied all the allegations and pleaded innocence and false implication.

Trial Court on an analysis of all the evidence and other material available on record, acquitted the accused by extending the benefit of doubt.

I have heard learned counsel for the applicant and perused the impugned judgment and other material available on record.

Admittedly, the eye-witnesses, who were alleged to be accompanying the victim at the time of alleged occurrence, failed to support the case of the prosecution on material particulars for which learned trial court rightly extended the benefit of doubt to the accused. Further, no evidence has been led by the prosecution to substantiate the factum of the victim even going and attending the school on the fateful day. The least the prosecution could have done was to bring on record some evidence to show

that the victim had attended the school on the date of the alleged occurrence. Even the maternal uncle of the victim with whom the victim was stated to be residing, did not step into the witness box. He could have been a reliable witness, to lend credence to the factum of the victim attending school on that day. In the absence of any cogent, convincing and trustworthy evidence and material on record, the court below has rightly acquitted the accused.

In view of the above, in my considered opinion, the impugned judgment passed by the trial court is well reasoned one and does not warrant any interference of this Court.

Accordingly, the present application stands dismissed.

(MANJARI NEHRU KAUL)
JUDGE

14.01.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No