

**266 IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CRR-2746-2015

Date of Decision: 25th July, 2022

Poonam

Petitioner

Versus

State of Haryana and another

Respondents

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Namit Sodhi, Advocate and
Mr. Keshav Pratap Singh, Advocate for the petitioner.

Mr. Gaurav Bansal, AAG, Haryana.

AVNEESH JHINGAN, J (Oral):

This criminal revision was filed against acquittal of respondents No. 2 and 3 in case of FIR No. 64 dated 18.2.2014 under Sections 294/506 IPC registered at P.S. Sadar Gohana.

As per the case set up, petitioner moved a complaint stating that she was working as COPA (Instructor) in ITI, Mudlana. She alleged that on 18.2.2014, Rajender and Anil along with some unknown persons uttered obscene words. On objection, the complainant was threatened to be killed. The accused were under the influence of liquor. It was claimed that two employees Suman and Vinod witnessed the occurrence.

The eye-witnesses did not support the case of the prosecution, they were declared hostile. There was no medical record to show that the accused were under the influence of alcohol. The investigating officer faulted in his deposition, as in examination-in-chief he said that on receiving telephonic information on 18.2.2014, he went to ITI Mudlana

along with his colleagues and met the complainant there. In his cross-examination, he stated that he met the complainant at the gate of ITI but did not enter the premises. He was told that the In-charge had already left but he did not check the attendance register to verify the fact as to whether In-charge was present or not. There were no student in the premises. He stated that the accused were not medically examined as they could not be found on the same day.

The complainant while deposing before the Court improved upon her version in the complaint. She stated that accused kept on calling her name, made objectionable gestures to her, forced her to sit with him and drink tea, stalked her to the library, peeped into ladies toilet and urinated in front of her. In her cross-examination, she admitted that the facts now being disclosed in her deposition were not disclosed to the Police.

The Trial Court considering that the eye-witnesses did not support the case of the prosecution; the improvement in version of the complainant can be a result of tutoring and there was nothing on record to substantiate the allegations of accused being under influence of liquor, vide judgment dated 28.7.2014, acquitted the respondents.

Aggrieved of the judgment of the acquittal, appeal was filed, the Sessions Court vide judgment dated 20.4.2015 dismissed the appeal.

Learned counsel for the petitioner submits that before the eye-witnesses were declared hostile, they supported the version that accused were under the influence of liquor. The Courts below erred in acquitting the respondents.

Heard learned counsel for the petitioner and perused the

The allegations against the accused were that they were under the influence of alcohol and misbehaved with the complainant. No medical examination was done as they were not apprehended on the same day. Eye-witnesses were declared hostile as they denied the incident. The deposition of the Investigating officer dented the story put forth by the prosecution. The evidence of the petitioner was not found worth reliance as she tried to improve her version.

In absence of any factual or legal error being pointed out in the judgment of acquittal or in the appellate Court, revision petition is dismissed.

[AVNEESH JHINGAN]
JUDGE

25th July, 2022
anuradha

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