

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

213

CRR-2911-2019 (O&M)
Date of order: 09.02.2024

Sushmita

.....Petitioner(s)

Vs.

State of Haryana & Another

.....Respondent(s)

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mayank Aggarwal, Advocate for
Mr. Kunal Dawar, Advocate
for the petitioner.

Mr. Surinder Kumar Dagar, AAG Haryana.

Nidhi Gupta, J.

Challenge in the present petition is to the judgment and order dated 29.08.2019 passed by learned Juvenile Justice Board, Faridabad whereby respondent No.2 herein has been acquitted in case FIR No.1 dated 05.01.2017 under Section 506 IPC and Section 8 of POCSO Act registered at Police Station Women Sector 16-A, Faridabad.

2. Learned counsel for the petitioner inter alia submits that the only ground on which the learned Juvenile Justice Board, Faridabad has acquitted the respondent No.2 is that there was no corroborative evidence in support of statement/testimony of the prosecutrix. Learned counsel submits that in this regard, the learned Juvenile Justice Board, Faridabad has disregarded the evidence of the father of the prosecutrix/PW5. It is submitted that in Para 29 of the impugned judgment itself the learned Juvenile Justice Board, Faridabad has noticed that “..father of prosecutrix

has appeared before Board as PW-5 to corroborate the testimony of prosecutrix by saying that he has witnessed the incident dated 21.12.2016. When he was returning to his home from his duty. He has stated that he saw that Rupesh had caught his daughter's hand and was trying to make her sit on his motor bike. When he refused to do so then child in conflict with law said he would take her and he would kill the whole family. He also said that he would throw acid over his daughter....".

3. It is admitted by learned counsel for the petitioner that although this has been stated by father of the prosecutrix as evidence before the learned Juvenile Justice Board, Faridabad, however, admittedly these facts have not been mentioned by the prosecutrix either in her complaint (Exhibit PW3/A), or in the FIR or even in her statement recorded under Section 164 Cr.P.C. (Exhibit PW3/B). In view of the above, it is clear that the petitioner side has improved their story with the passage of time.

4. In view of the above, I find no merit in the present petition, the same is hereby **dismissed**.

5. Pending application(s) if any also stand(s) disposed of.

09.02.2024
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No