

(2006) 07 P&H CK 0217

High Court Of Punjab And Haryana At Chandigarh

Case No: Criminal M. No. 33372 of 2006 in Criminal A. No. 696-SB of 2006

Kapil

APPELLANT

Vs

State of Haryana

RESPONDENT

Date of Decision: July 13, 2006

Citation: (2006) 3 RCR(Criminal) 799

Hon'ble Judges: Ajai Lamba, J

Bench: Single Bench

Advocate: S.S. Khurana, for the Appellant; S.K. Hooda, D.A.G., Haryana, for the Respondent

Final Decision: Allowed

Judgement

@JUDGMENTTAG-ORDER

Ajai Lamba, J.

The allegations against the applicant-appellant are that he committed rape upon the prosecutrix. However, learned counsel for the applicant has referred to the fact that the prosecutrix, admittedly, was first taken to Mohindergarh, then to Jaipur, Narnaul and back to Mohindergarh in public transport. Further contends that despite the fact that the prosecutrix remained with the applicant for 4 days, no resistance was shown, which establishes consent. The question of age of the prosecutrix would be a matter of evidence as it is stated to be 16-1/2 years. Further states that the appeal would not be heard in the near future.

2. Sentence of the applicant-appellant is hereby suspended.

3. Bail to the satisfaction of CJM, Narnaul.

Appeal allowed.