
(2019) 07 P&H CK 0200

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous Petition (M) No. 1047-MA Of 2018 (O&M)

State Of Haryana

APPELLANT

Vs

Ankit

RESPONDENT

Date of Decision : 03-07-2019

Acts Referred:

Limitation Act, 1963 — Section 5
Code Of Criminal Procedure, 1973 — Section 378(3), 482
Scheduled Caste And The Scheduled Tribes (Prevention Of Atrocities) Act, 1989 —
Section 3(1)(xi)
Indian Penal Code, 1860 — Section 341, 354(A), 354(D), 506

Citation : (2019) 07 P&H CK 0200

Hon'ble Judges : Hari Pal Verma, J

Bench : Single Bench

Advocate : Priyanka Sadar, A.G. Haryana

Final Decision : Dismissed

Judgement

Hari Pal Verma, J

Prayer in this application filed under Section 5 of the Limitation Act, 1963, read with Section 482 Cr.P.C. is for condonation of delay of 31 days in filing the present application under Section 378(3) Cr.P.C. for grant of leave to appeal. For the reasons stated in the application, the same is allowed and the delay of 31 days in filing the instant application for grant of leave to appeal is condoned.

The present application under Section 378(3) of the Code of Criminal Procedure, has been filed by the State for grant of leave to appeal against the judgment dated 23.10.2017, passed by the learned Additional Sessions Judge, Rohtak, whereby respondent-accused Ankit has been acquitted of the charges levelled against him under Section 3 (1) (xi) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 but has been convicted and sentenced under Sections 341, 354 (A), 354(D) and 506 of the Indian Penal Code.

It is not the case of the applicant-appellant that the awarded sentence is less

than the minimum prescribed under law. The respondent accused was held guilty and convicted for commission of offence punishable under Sections 341, 354(A) and 354(D) and 506 IPC. So far as the offence under Section 3 (1) (xi) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is concerned, the prosecution has failed to adduce any evidence and accordingly, respondent was acquitted for the said offence.

In brief, the allegation against the respondent is that on 6.1.2016, at about 9:00 A.M., when the complainant alighted from the bus at Delhi Bypass, Rajiv Chowk, Rohtak, and was on her way to LIC office, the respondent intercepted her and started harassing her sexually. However, when the complainant screamed, many persons gathered there on the spot and the complainant was rescued from the clutches of the accused. The complainant was frightened and when she was proceeding towards her office, the accused suddenly appeared and extended threat to her life and the family members of the complainant. He also threatened to kill her child after kidnapping.

The argument of the learned State counsel is that the respondent extended threat to the complainant to kill her child after kidnapping attracts offence under Section 506 IPC for which maximum sentence of 7 years is provided.

Considering the allegations, the offence under Section 506 IPC, has to be read in totality with other offences as it is in one incident that the accused has allegedly threatened the complainant. Having looked into the evidence as discussed by the learned Special Judge - Additional Sessions Judge, Rohtak, vide judgment dated 23.10.2017, this Court does not find any reason to interfere.

Accordingly, the present application, being devoid of any merit, is dismissed.

Leave to appeal is declined.