

(2017) 12 RAJ CK 0008
In the Rajasthan High Court
Case No : 552 of 2017

Urmila D/o Shri Dharampal

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 04-12-2017

Acts Referred:

[Indian Penal Code, 1860](#), [Section 376](#),
[Section 451](#), [Section 511](#), [Section 354](#) - Punishment for rape - House-trespass in in order to commit offence punis

Citation : (2017) 12 RAJ CK 0008

Hon'ble Judges : Sandeep Mehta

Bench : SINGLE BENCH

Advocate : S.D.Goswami, V.S.Rajpurohit

Final Decision : Dismissed

Judgement

1. The instant application for grant of leave to appeal filed on behalf of the complainant applicant is delayed by 15 days.
2. An application has been moved by learned counsel Mr. Goswami for condoning the delay.
3. I have heard learned counsel Mr. Goswami and the learned P.P. Perused the material on record.
4. Vide judgment dated 18.1.2017 passed by learned Special Judge, SC/ST (Prevention of Atrocities) Cases, Hanumangarh, the respondent herein was convicted for the offences under Section 451 and 354 IPC and simultaneously he was acquitted from the charges under Section 376 / 511 IPC and Section 3(i)(xi) of SC/ST

(Prevention of Atrocities) Act. The complainant applicant is aggrieved of the impugned judgment to the extent of acquittal of respondent no. 2 from these charges.

5. Having heard the arguments advanced by learned counsel for the applicant complainant and after going through the impugned judgment, it is apparent that the F.I.R. was lodged after some delay through a complaint submitted in the Court. The police, after thorough investigation did not find the offences proved and gave a negative final report. The highest allegation of the complainant in her statement was that the accused entered in her house and broke the string of her lower. The said allegation, even if accepted as being true on the face of record would not constitute the offence of attempted rape. The complainant did not allege that the accused respondent had taken off his own clothes while breaking the string of her lower. Thus, there is no reason to grant leave to the applicant complainant to file an appeal against the impugned judgment which does not suffer from any illegality, irregularity or perversity.

6. Accordingly, the instant application for grant of leave to appeal is dismissed as being devoid of merit.