

(2023) 11 J&K CK 0031

In the Jammu And Kashmir High Court

Case No : Special Leave Application No. 30 Of 2022, Criminal Miscellaneous No. 1919 Of 2022

UT Of J&K

APPELLANT

Vs

Mohd. Din S/O Ab. Juma Rashid

RESPONDENT

Date of Decision : 15-11-2023

Acts Referred:

Jammu And Kashmir State Ranbir Penal Code, 1989 — Section 34, 366, 368, 374, 376
Code Of Criminal Procedure, 1898 — Section 512

Citation : (2023) 11 J&K CK 0031

Hon'ble Judges : Rajnesh Oswal, J; Mohan Lal, J

Bench : Division Bench

Advocate : Raman Sharma, Saliqa Sheikh, Ankush Manhas

Final Decision : Dismissed

Judgement

CrIM No. 1919/2022

1. This is an application seeking condonation of delay in filing the appeal against the judgment of acquittal dated 11.05.2022 recorded by the court of learned Additional Sessions Judge, Doda.

2. For the reasons stated in the application, the same is allowed. The delay in filing the appeal is condoned.

3. CrIM No. 1919/2022 is, accordingly, disposed of.

CrI LP(D) No. 30/2022

4. This is an application seeking leave to file the appeal against the judgment of acquittal dated 11.05.2022 passed by the learned Additional Sessions Judge, Doda (hereinafter to be referred as 'the trial court') in case FIR No. 75/1991, whereby the respondent has been acquitted of the charge for commission of offences under Sections 376/366/368/374 RPC.

5. Notice to the respondent.

6. Mr. Ankush Manhas, Advocate accepts notice.

7. It is pleaded by the applicant that the learned trial court has ignored the material evidence brought on record by the prosecution.

8. We have gone through the judgment passed by the trial court and perusal of the same reveals that the prosecutrix had appeared before the learned trial court and exonerated the accused/non-applicant and it is also observed by the trial court that as per her statement, she was the consenting party to the main accused i.e. Abdul Qayoom. It is further observed by the learned trial court that the prosecutrix had stated that no force was ever put upon her either by the accused Abdul Qayoom or Mohd. Din, who is non-applicant in the present case for keeping her at his residence or for the purpose of abducting her.

9. A perusal of the appeal reveals that the main accused had already been acquitted, whereas the proceedings under Section 512 Cr. P.C. were initiated against the respondent/non-applicant and after his arrest, the charge sheet was filed against him and he was charged for commission of offence under Section 368/34 RPC.

10. In view of the above, as the main accused has already been acquitted, we do not find any reason to grant leave to the applicant to prefer an appeal against the judgment of acquittal recorded by the learned trial court, more particularly when there is no evidence on record which may require appreciation by this Court. Accordingly, the application seeking leave to file the appeal against the judgment of acquittal dated 11.05.2022 passed by the learned Additional Sessions Judge, Doda is dismissed.