

State Vs. Pulkit Choudhary and ors

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Court : Delhi

Decided On : Jul-30-2014

Judge : Pradeep Nandrajog

Appellant : State

Respondent : Pulkit Choudhary and ors

Judgement :

§~12 * IN THE HIGH COURT OF DELHI AT NEW DELHI + CRL.L.P. 121/2014
STATE Represented by: Petitioner Ms.Aashaa Tiwari, APP for State. versus
PULKIT CHOUDHARY & ORS Represented by: Respondent None CORAM:
HON'BLE MR. JUSTICE PRADEEP NANDRAJOG HON'BLE MS. JUSTICE
MUKTA GUPTA % CrI.M.A. 2353/2014 1.

ORDER

3007.2014 An affidavit has been filed by the DCP explaining the delay in filing the petition. For the reasons stated in the affidavit the delay of 90 days in filing the petition is condoned.

2. Application is disposed of. CRL.L.P. 121/2014 1. The State impugnes the judgment dated July 29, 2013 whereby the respondents have been acquitted of the charge for offences under Section 363/368/376(2)(G)/419/34 IPC and Section 6 & 12 of Prevention of Children from Sexual Offences Act (in short the POCSO Act).

2. Learned counsel for the State submits that the offences alleged against the respondents are serious. The learned Trial Court ought to have looked CRL.L.P. 121/2014 page 1 of 3 into the circumstances as to why the prosecutrix was not supporting the case of the prosecution and thus ought to have convicted the respondents of the offences charged with.

3. Shorn of unnecessary details the prosecution case is based on the testimony of S the prosecutrix who deposed before the Court that on September 15, 2012 she had a quarrel with her parents. She left her house and stayed for a few days with her friends. She contacted her friend Amit on facebook and stayed with him for two days. Thereafter Amit sent her to his friends place whose name was Pulkit. Initially Pulkit was not aware that she had left her home on her own but when he came to know about this, he committed rape on her. As parents of Pulkit were expected to come back, he asked her to stay at another place for two-three days. He told her that he had taken her video film and in case she did not obey, the same will be put on the internet. Pulkit stated to her that he was an Inspector in Delhi Police and would implicate her in a false case. Thereafter again she stayed at the house of Ankit. However, she was picked up by the Police on November 27, 2012. Even on cross-examination she failed to identify any of the respondents as the accused persons who committed rape on her on different occasions. Nothing has been highlighted in the cross-examination of the prosecutrix that she was deposing under the fear of the respondents or any other material placed to connect the respondents to the offences alleged.

4. The case of the prosecution is solely based on the testimony of the prosecutrix as noted above. In her entire statement she has not alleged any offence against respondents Amandeep Kadian (R-2), Sharad Shekhar Tomar (R-3), Roopenshu Pratap Singh (R-4) and Vikas Punia (R-5). Even CRL.L.P. 121/2014 page 2 of 3 as regards Pulkit the respondent No.1 she has stated that he is not the same person. No previous Test Identification Parade of the respondent Pulkit was conducted and hence the respondents cannot be connected to the offences alleged. In view of this testimony of the prosecutrix, the learned Trial Court acquitted the respondents of the charges framed. The impugned order does not suffer from any illegality much less perversity. Hence no case is made out for grant

of leave to appeal.

5. Petition is dismissed.

6. Trial Court Record be sent back. PRADEEP NANDRAJOG, J.

MUKTA GUPTA, J.

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