

Crl.Misc.No.M-2693 of 2010 (O&M)

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Crl.Misc.No.M-2693 of 2010 (O&M).
Decided on: February 26, 2010.**

Promila

.. Petitioner

VERSUS

State of Haryana and others

.. Respondents

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.Jasbir Mor, Advocate,
for the petitioner.**

Mr.S.S.Gouripuria, DAG, Haryana.

**Mr.N.S.Shekhwat , Advocate,
for respondent No.2.**

M.M.S. BEDI, J. (ORAL)

Contending that proceedings or trial under Section 376 IPC, should be presided over by a Woman Judge, through this petition, transfer of the trial from the Court of Shri C.L.Mohal, Additional Sessions Judge, to any other Court presided over by a woman Judge has been prayed for.

I have heard the counsel for the complainant as well as the counsel for the respondents.

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There is no dispute regarding the amendment in Section 26 Cr.P.C., requiring that the trial of offence under section 376 IPC, should be held before a Court presided over by a woman. The object of the said provisions is to avoid the embarrassment to a prosecutrix in cases of sexual offences on account of some expected questions which may be put in cross-examination. Since such examination and cross-examination of the prosecutrix is over and the case is to be decided on the basis of the evidence which has already been led, it will not be appropriate to transfer the trial to any other Court. The adjudication of the matter by a male Presiding Officer will not, in any manner, vitiate the proceedings.

Disposed of.

(M.M.S.BEDI)
JUDGE

February 26, 2010.
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