

S. B. Criminal Misc. Petition No. 1305/2014  
S. B. Cr. Misc. Stay Application No. 1151/2014  
(Pooja Rani & Anr. Versus State of Rajasthan)

Date of Order :: 30<sup>th</sup> April, 2014

HON'BLE MR. JUSTICE MAHESH CHANDRA SHARMA

Mr. Shamsuddin Ansari, counsel for the petitioners  
Mr. Aladeen Khan, PP for the State

This cr. Misc. petition has been filed by the petitioners against the order dated 7.10.2013 passed by Special Judge (Women Atrocities), Kota in Cr. Case No. 73/2007.

Learned counsel for the petitioners has contended that prosecutrix has given the statement on 24.10.2008 and after making the statement before the court concerned, the prosecutrix Pooja Rani has got married with Dhan Singh (accused petitioner in this case) later-on. Now they have given birth to a girl child. Hence, it will not be appropriate to this Court to proceed in the case, which was registered for the offence under Sections 363, 366 and 376 IPC.

In support of his contentions, he has placed reliance on the following judgment:

Praveen @ Chotya Versus State reported in 2005(4) RLW 2628

Learned PP appearing for the State has opposed the same.

Having heard the learned counsel for the petitioner, learned PP appearing for the State and on perusing the relevant material on record, in my view, it is a fit case to set-aside the order dated

7. 10. 2013 passed by the court below.

Hence, the order dated 7. 10. 2013 passed by Special Judge, (Women Atrocities), Kota in Cr. Case No. 73/2007 is set-aside and the matter is remanded to the court below with the direction to decide the matter afresh in the light of aforesaid judgment(s), if applicable, after giving opportunity of hearing to the complainant as well as accused petitioner, in accordance with law.

The cr. Misc. petition as also the stay application, both stand disposed of accordingly.

(Mahesh Chandra Sharma)J.

DK

All corrections made in the judgment / order have been incorporated in the judgment / order being E-mailed.

Dilip Khandelwal  
PA