

Court No. - 54

Case :- GOVERNMENT APPEAL No. - 2295 of 1984

Appellant :- State Of U.P.

Respondent :- Lajja Ram

Counsel for Appellant :- A.G.A.

Hon'ble Bala Krishna Narayana,J.

Heard learned counsel for the applicant.

By means of this application, the applicant-State of U.P. is seeking leave to file an appeal against the judgment and order of acquittal dated 08.05.1984 passed by the 7th Additional Sessions Judge, Ghaziabad in Criminal Session Trial No. 358 of 1982 (State vs. Lajja Ram and others), under Sections 363, 376 and 348 I.P.C., P.S. Modinagar, district- Ghaziabad, by which he had acquitted the accused-respondent, Lajja Ram, under Sections 366 and 376 I.P.C. and convicted him under Section under Section 363 I.P.C. and sentenced him to three years imprisonment after giving him benefit of Section 4 of the Probation of Offenders Act, 1958 and acquitted other accused-respondents, Rajvir and Chandravir also from the offence under Section 368 I.P.C.

Learned A.G.A. submitted that the court below has clearly committed a patent error of law in giving the benefit of Section 4 of the Probation of Offenders Act, 1958 to the accused-respondent after holding him guilty under Section 363 I.P.C. and on sentencing him to three years imprisonment. He further submitted that the acquittal of the accused-respondents under Sections 366 and 376 I.P.C. recorded by the learned trial Judge is also against the evidence on record.

I have heard the learned A.G.A. and perused the impugned judgment, as well as the record of the Lower court.

The finding recorded by the learned 7th Additional Sessions Judge, Ghaziabad in the impugned judgment acquitting the accused-respondent, under Sections 366 and 376 I.P.C. is based upon cogent evidence and has not been shown to be either perverse or infirm in any manner.

Learned 7th Additional Sessions Judge, Ghaziabad after considering the entire material on record came to the conclusion that the prosecutrix, Geeta was above 16 years of age at the time of occurrence and she had left her parental home on her own accord and had agreed to marry the accused-respondent, Lajja Ram on her own sweet will.

I am of the view that the impugned judgment is based upon relevant considerations and supported by cogent reasons and hence requires no interference by this Court.

Accordingly, this application for leave to appeal is refused.

The application is accordingly dismissed.

Order Date :- 21.1.2014

Faridul

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Hon'ble Bala Krishna Narayana,J.

In view of the order passed by me on the application for grant of leave to file appeal, this appeal also stands dismissed.

Order Date :- 21.1.2014

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