

The State of Madhya Pradesh Vs. Keshav Pratap Singh

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Court : Madhya Pradesh

Decided On : Sep-25-2013

Appellant : The State of Madhya Pradesh

Respondent : Keshav Pratap Singh

Judgement :

M.Cr.C.No.10496/2011 25.09.13 Per B.D.Rathi,J Shri S.K.Kashyap, Government Advocate for the applicant- State.

Heard on admission.

This application for grant of leave to appeal has been preferred under Section 378(3) of the Code of Criminal Procedure (hereinafter referred to as the Code) being aggrieved with the judgment dated 30/3/2011 passed by I Additional Judge to the Court of I Additional Sessions Judge, Panna, in Sessions Trial No.180/2010, whereby respondent Keshavpratap Singh has been acquitted of the offences punishable under Sections 376(1) and 417 of the Indian Penal Code (for short the IPC) and respondent Neeraj Singh has been acquitted of the offences punishable under Sections 376(1) and 506 Part II of the IPC.

Prosecution case, in brief is that, prosecutrix was employed as a domestic help by respondent no.1 Keshav after the festival of Rakshabandhan in the year 2010.

Fifteen to twenty days thereafter, Keshav committed rape upon her and as she tried to scream, he pressed his mouth saying that he would always keep her and,

on the said pretext, cohabited with her on 2-3 more occasions.

On the day of Dhanteras, at about 6 p.m., respondent no.2 Neeraj, son of Keshav, also subjected her to rape and threatened to kill her in case she disclosed to anyone.

She got impregnated by Keshav and, thereafter, he denied to keep her.

Upon the said written report of the prosecutrix on 20/11/2010 at Police Station Gunnor, Crime No.114/10 was registered and after investigation, charge-sheet was filed.

Learned Government Advocate submitted that the impugned judgment was passed without proper appreciation of evidence on record and the same deserved to be interfered with.

Having regard to the arguments advanced by the learned Government Advocate, impugned judgment and record of the trial Court were perused.

Trial Court found that evidence of the prosecutrix was fraught with material contradictions, omissions and exaggerations.

Trial Court also found that testimony of the prosecutrix that she was subjected to rape on more than one occasion in the same room where his wife was also sleeping who could not overhear the threats given to her by Keshav, to be quite unnatural.

She also deposed that she would not have reported had Keshav not denied to keep her.

Her testimony also did not inspire confidence in view of her unnatural deposition that despite her residence being nearby, she used to stay for 24 hours in the house of respondents and did not go, even once, to see her ailing mother.

Moreover, non disclosure of the offence committed by Neeraj to anyone of his family members or any other person, by the prosecutrix, also rendered suspicion to the prosecution story.

In her cross-examination, prosecutrix admitted that she was a married lady and her marriage was solemnized some six years back and having been deserted by her husband, she had married again.

Prosecutrix deposed that she had lodged the FIR 20 days after the last sexual assault, but no satisfactory explanation was given for the said delay.

Moreover, the trial Court also found that the respondents were not so financially well off as to afford a maid for 24 hours despite availability of Keshav's wife who used to cook the food.

In the aforesaid premises, the trial Court found that the prosecution had failed to prove its case beyond a reasonable doubt.

We agree with the findings recorded by the trial Court.

It is well settled that the judgment of acquittal should not be disturbed unless the conclusions drawn on the basis of evidence brought on record are found to be grossly unreasonable or manifestly perverse or palpably unsustainable.

Taking into consideration the reasons assigned on the face of evidence on record establishing the aforesaid facts and circumstances, the view taken by the learned trial Court was apparently a possible view.

As such, no interference is called for with the judgment of acquittal in question.

The application, being devoid of merit and substance, stands dismissed.

(AJIT SINGH) (B.D.RATHI) JUDGE JUDGE (and)

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