

Ganauri Sonar Vs. State of Bihar

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Court : Patna

Decided On : Oct-26-1999

Judge : R.N. Sahay, J.

Appeal No. : Criminal Appeal (S.J.) No. 256 of 1991

Appellant : Ganauri Sonar

Respondent : State of Bihar

Disposition : Appeal Dismissed

Judgement :

R.N. Sahay, J.

1. The appellant Ganauri Sonar, who was aged about 22 years at the time of occurrence, has been convicted for the offence of raping a minor girl aged about 9-10 years named Sushila. The occurrence took place at 9.00 p.m. on 3-2-1988. The girl was raped while she was going home from her father's shop after taking meal. She was raped in the house of the appellant situated 400 yards away from Obra Police Station. The appellant has been sentenced to eight years' imprisonment by the Sessions Judge, Aurangabad, who tried the appellant. Since the appellant was refused bail at the very initial stage, he has served out the sentence.

2. The appellant's defence was that he was implicated at the instance of Achhay Lal Prasad (P.W. 2), who is uncle of the victim girl. The First Information Report was lodged on 4-2-1988 at 2.00 p.m. The girl was examined on 5-2-1938 by lady doctor Asima Paul of Aurangabad Hospital.

3. This is a well proved case and there is no ground to interfere with the finding of the trial Court. According to the medical opinion, the girl had been sexually assaulted. No doubt, there is some delay in lodging the information but taking the evidence as a whole, the prosecution case appears to be true.

4. The evidence is that Mathura Sao, father of the victim girl Sushila had a Tea Shop at Aurangabad Daudnagar Road. Mother of the girl was dead. The house of Mathura Sao was situated at a short distance from the shop. The girl left the shop for her home at 9.00 p.m. after taking meal. The appellant has also his shop located on the western side of the lane near a country liquor Bhatthi. The appellant is alleged to have lifted her inside the shop, threw her on Chowki and raped her. She cried for help but no body heard her cry since her mouth was pressed by the appellant. There was profuse bleeding from her private part. After the appellant released her, she put on her pant and returned to the shop with blood stains on her clothes. She narrated the incident to her brother and father. She was taken to the doctor in the night and she was given medical aid.

5. There is definite opinion of Dr. Asima Paul that the girl had been raped and had injuries on her private part. There is no other witness of the commission of rape except the prosecutrix but her evidence is corroborated by her brother Nawal and father Mathura Sao,. Learned Sessions Judge has considered the evidence very minutely, learned Judge has not given any credence to the defence case.

6. On consideration of the evidence, I am satisfied that the conviction of the appellant was amply justified and there is no merit in this appeal. This appeal is accordingly dismissed. The appellant has already served his sentence.