

**Asha Ram Vs. State**

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**SooperKanoon Citation :** [sooperkanoon.com/690715](http://sooperkanoon.com/690715)

**Court :** Delhi

**Decided On :** Dec-11-1987

**Reported in :** 1988(15)DRJ76; 1988RLR107

**Judge :** Malik Sharief-ud-Din, J.

**Acts :** [Indian Penal code, 1860](#) - Sections 363

**Appeal No. :** Criminal Appeal No. 44 of 1987

**Appellant :** Asha Ram

**Respondent :** State

**Advocate for Pet/Ap. :** S.K. Chaturvedi and; B.T. Singh, Advs

**Judgement :**

(1) Earlier, it is stated that the appellant was in the employment of Public Witness 5 Shri Kailash Chand, father of the prosecutrix, and had left the service on 1st January 1982. The accounts were finally settled by him with Shri Kailash Chand on 23rd January 1982. In this view, it is stated that the appellant was thoroughly known to the prosecutrix.

(2) It is not possible to kidnap a girl in the crowded city on a scooter during broad day light in the manner in which she has stated. While she was with the appellant on the scooter she has even passed by the side of her home, she has travelled in

crowded buses and has remained in crowded railway station. If she was not a consenting party there was plenty of scope for her to get out of this sordid episode.

(3) Having found it to be so, it is difficult to ignore the fact that the prosecutrix in this case was a consenting party. The appellant also is a young boy, though technically speaking he is a major, but then the facts of the present case do warrant certain amount of leniency in the matter of sentence. With these observations, therefore, the appeal is dismissed. I would, however, in the light of the aforesaid extenuating circumstances modify the sentence in the following manner : the sentence of imprisonment under Section 376 I P.C. is reduced to 4 years rigorous imprisonment and there will be no fine. The sentence of rigorous imprisonment for three years under Section 363 is maintained.

(4) It is, however, directed that both the sentences shall run concurrently. The appeal stands disposed of.