

Vikas Singh Vs. State

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Court : Delhi

Decided On : Jul-12-2005

Reported in : 2005(83)DRJ410

Judge : R.S. Sodhi, J.

Acts : Indian Penal Code (IPC) - Sections 376 and 511

Appeal No. : Crl. Rev. P. 321/2005

Appellant : Vikas Singh

Respondent : State

Advocate for Def. : None

Advocate for Pet/Ap. : J.P. Mishra, Adv

Disposition : Petition dismissed

Judgement :

R.S. Sodhi, J.

Crl.M.4412/2005:

1. Allowed subject to just exceptions. Application disposed of.

CRL.REV.P. 321/2005 & CrI.M.920/2005:

2. This revision petition is directed against the judgment and order of the District Session Judge, Delhi in SC No. 68/2004 arising out of FIR No. 57/2000, Police Station, Moti Nagar, Delhi whereby learned Judge vide his judgment and order dated 6.3.2005 held the petitioner guilty under Section 376 read with Section 511 IPC. Further by a separate order, sentenced the petitioner to undergo RI for five years and Rs.5,000/- in default of payment of which further S.I for three months.

3. It is contended by the counsel for the petitioner that no rape was committed and none intended. He submits that at the highest the offence committed was that of violating the modesty of a women. He also contends that the prosecutrix statement suffers serious infirmities besides the fact that she was a consenting party. I have heard counsel and gone through the material on record. I find the prosecution has examined 16 witnesses and the prosecutrix is examined as PW2. The statement of the prosecutrix has a ring of truth about it. She has clearly deposed to the nature of the crime committed by the petitioner. According to her, she was taken in another room, forced to the ground and her clothes removed against her will. It was this time that she began crying and raised an alarm. Her evidence is corroborated by PW4 Dr.Anita Gupta who examined the prosecutrix medically. It further find support from the mother of the prosecutrix PW5. The so called implied consent is a counter productive argument.

4. Having considered the matter carefully, I find the judgment under challenge suffers from no infirmity.

5. CrI.Revision Petition 321/2005 is dismissed. CrI.M.920/2005, also stands dismissed.

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