

Chatra Ram Vs. Likhma Ram

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Court : Rajasthan

Decided On : Jul-29-1986

Reported in : 1987WLN(UC)135

Judge : Guman Mal Lodha, J.

Appeal No. : S.B. Criminal Appeal No. 333 of 1978

Appellant : Chatra Ram

Respondent : Likhma Ram

Disposition : Appeal dismissed

Judgement :

Guman Mal Lodha, J.

1. Chatra Ram complainant having failed to obtain the conviction of the accused Likhmaram on a charge of criminal trespass with attempt to rape or outrage the modesty of his wife has obtained leave from this Court. Appeal against acquittal comes up for hearing today.

2. The compalinant and his counsel are conspicuously absent to prosecute the appellant. However, I have heard Dr. S.S. Bhandawat learned Public Prosecutor in support of the appellant and Mr. S.K. Goyal on behalf of the accused. I have also perused the relevant record.

3. The incident relates to July 7, 1976 where it is alleged that at 12 mid-night the accused Chatraram in the absence of the complainant Likhma Ram trespassed in the house of the complainant with intention to commit rape on complainant's wife who was sleeping in the house. The allegation further included the attempt to commit rape by forcible sexual intercourse with her.

4. The Police investigated the case but found it to be a false and concocted. The finding of the Police investigation was that the complainant had concocted the story with the malafide intention to harass the accused.

5. The complainant then filed a complaint and insisted on prosecution but here again he failed to prove the charge either of trespass or attempt to commit rape or outrage the modesty of his wife.

6. In the appeal filed here allegation has been made further that rape was committed and not only an attempt was made. In para No. 5 the learned counsel has stated that the Ghagra was not sent for analysis to the Expert. Presumably, the allegation was that rape was committed and the offence was under Section 376 IPC.

7. Curiously enough PW 1 Sravani has admitted that there is money dealings between her husband and Likhmaram. She is mother of 9 children. The eldest son who was sleeping by her side was 15 years named Hanumana and states that when she shouted his son came thre. She also admits that her husband came on the next day and then lodged First Information Report after 2 or 3 days. She resiled from the police statement portions A to B, C to D, E to F, G to H, I to J and K to L. In Police statement she stated that she could not recognise the person who committed rape with her. She stated that there was bleeding from her hand as bangles were broken and pierces in the hand, but her statement does not find support from medical evidence and no doctor was examined in support of it.

8. On a very serious and thoughtful consideration of the entire evidence I am convinced that the reasons given by the trial court for disbelieving the the prosecution story are just and proper and calls for no interference.

9. Consequently, the appeals fails and his hereby dismissed.

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