

Amerjit Singh Vs. State of Rajasthan

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Court : Rajasthan

Decided On : Jul-21-1986

Reported in : 1986WLN(UC)596

Judge : Guman Mal Lodha, J.

Appeal No. : S.B. Criminal Appeal No. 344 of 1983

Appellant : Amerjit Singh

Respondent : State of Rajasthan

Disposition : Appeal dismissed

Judgement :

Guman Mal Lodha, J.

1. Amarjit Singh has filed this appeal against the judgment of the Additional Sessions Judge, Sriganganagar convicting him under Section 376, IPC and sentencing him to seven years Rigorous Imprisonment and a fine of Rs. 500/- and in default of payment of fine, to undergo further simple imprisonment for three months.

2. Learned Counsel for the accused, candidly and fairly submitted that so far as the factum and allegation of rape is concerned, it cannot be challenged. However, he submits that the accused himself is a youth and educated and was a diploma-

holder of Engineering, belonging to Scheduled Caste. He invited my attention to the facts and circumstances of the case for his prayer that the sentence should be reduced from seven years to two years.

3. Learned Public Prosecutor has vehemently opposed the prayer of the learned Counsel for the appellant, on the ground that in the case of rape, the sentence should be adequate and no reduction in this case is required.

4. I have carefully examined the facts of the case and the statement of the girl Reshma in particular, along with the other evidence. There is no doubt that the offence of the rape is well proved and the finding recorded by the court below regarding the guilt of the accused calls for no interference.

5. Similarly, I am also of the opinion that in cases of sexual offences of this nature, the sentence must be adequate. No leniency should be shown to such offender. In view of the above, the prayer of the learned Counsel for reduction of sentence to 2 years cannot be accepted. However, looking to the facts and circumstances of the case, it would meet the ends of justice, if the accused is sentenced to five years rigorous imprisonment.

6. Consequently, the judgment of the trial Court is confirmed and the appeal is dismissed with the above modification in the sentence.

7. The accused is already in jail and the benefit of Section 428 Cr. PC should be given to him.