



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of reserving: 06th April, 2026

Date of Decision: 21st April, 2026

IN THE MATTER OF:

+ CRL.A. 444/2022

.....Appellant

Through: Appellant-in-person with Ms. Manika Tripathy (DHCLSC) with Ms. Roman Khan and Mr. Saksham, Advs.

versus

STATE (NCT OF DELHI) & ANR.

.....Respondents

Through: Mr. Mukesh Kumar, APP for the State with SI Krishan Verma PS Inderpuri.
Ms. Monisha Handa, Adv. Amicus Curiae for the victim / prosecutrix.

CORAM:

HON'BLE MR. JUSTICE VIMAL KUMAR YADAV

JUDGMENT

VIMAL KUMAR YADAV, J.

1. Appellate jurisdiction of this Court has been invoked by the Appellant under Section 374(2) Criminal Procedure Code, 1973 (Cr.P.C) with the aid of Section 482 Cr.P.C. while assailing the judgment of conviction and order on sentence dated 30.03.2022 and 18.05.2022 respectively, delivered by the learned ASJ-01, Patiala House Courts, New Delhi (hereinafter referred to as Trial Court).

2. Appellant was held guilty and convicted under Section 376 (2)(f)(i) of Indian Penal Code ('IPC'), 1860 and Section 6 of Protection



of Children from Sexual Offences Act ('POCSO'), 2012 and was sentenced to Rigorous Imprisonment (RI) for a term of 15 years and fine of Rs. 20,000/- under Section 376 (2)(f)(i) IPC and in default of payment of fine, Simple Imprisonment (SI) for six months. The co-accused, whereas, who happens to be the biological mother of the victims and wife of Appellant, charged under Section 21 of the Protection of Children from Sexual Offences Act, 2012, (POCSO), was acquitted by the Trial Court.

3. While passing the Sentence, learned Trial Court has ordered payment of compensation to the tune of Rs. 6,00,000/- and as the child victim 'K' who expired on 12.02.2016, therefore, it was ordered that the compensation shall be paid to the dependents of the victim.

4. Tragic and unfortunate would be belittling the trauma undergone by the victims in the instant case at the hands of their step-father. The man in whom they, as children, were supposed to find comfort, solace and security, turned out to be the perpetrator of sexual assault. To add salt to the injury, their biological mother also seemingly acquiesced to the trauma undergone by the girls as she kept quiet or did not take the requisite measures to save the children when the indecent acts of the Appellant were brought to her notice except moving out of the house for some time and then came back to live with Appellant. Seemingly, she was torn between the devil and the deep sea as she had left her former husband and biological father of the victims herein and not only started living with the Appellant, but bore a girl child to him as well. That seems to be the reason why, alongwith the Appellant, she too was chargesheeted and tried, but was acquitted by the learned Trial Court.

5. The ordeal of sexual assault was being faced by the victims for the last about 1½ years prior to the present incident. The matter reported took place



between 25.04.2014 to 28.04.2014, which the victims could not withstand and shrieks of victim 'K' attracted the attention of the landlord Sanjay (PW2) and his wife Suman (PW-11). When the husband wife duo realized as to what was going on, they facilitated the victim and the matter was reported to police by victim 'K' from the phone of Sanjay (PW-2). It so happened that the step-sister of the victims i.e. the biological daughter of their mother and the Appellant was sick and hospitalized. Their mother was staying at the hospital to take care of the youngest child. The Appellant took advantage of absence of the mother of the children and raped the elder sister and molested the younger one.

6. On the fateful night, the mother of the victims 'K' and 'M' wanted the victim 'K' to stay at the hospital, but the Appellant, under the influence of liquor, fought with the mother and brought the victim 'K' back home. The resistance on the part of the mother stems out of the apprehension that the child would be abused, which unfortunately turned out to be correct.

7. When the Appellant started misbehaving with 'K', she somehow managed to go out of the room, then the evil eye of the Appellant fell upon the younger sister of 'K' i.e. 'M' aged about 9 years, who became the target of his lustful hands. She also somehow, managed to come out of the room. The victims were again brought back inside the room by the Appellant. He started abusing the victim 'K'. She cried and somehow drew the attention of the landlord, who came downstairs at the room of the Appellant and his wife followed later. They, from what they saw, realized the goings on inside the room and thus, took both the victims alongwith them at their room on the first floor. The girls disclosed their ordeal at the hands of their step-father and that is how the matter was reported to the police by the victim 'K'/landlord.



8. Based upon the statement of victim 'K', an FIR was registered under Section 376 IPC and Section 14(3)/14(4)/9(m)/10 of POCSO Act. The requisites of the investigation were carried out and the chargesheet was filed, which ultimately resulted into conviction of the Appellant as aforesaid.

9. Against the backdrop of the above stated facts and circumstances, the present appeal came into existence. It is asserted on behalf of the Appellant that he has been falsely implicated in this case and that there is no evidence against the Appellant. Learned counsel for the Appellant, while assailing the impugned judgment, emphasized that the case of the prosecution is highly improbable and unbelievable on account of the fact that the testimonies on record, especially of the two victims 'K' and 'M' and the husband wife duo i.e. landlords, are full of inherent contradictions and inconsistencies, which render it unreliable and unbelievable. Additionally, it is submitted that the victims have falsely implicated the Appellant on account of the fact that he happens to be their step-father and that the girls had an inborn hatred towards Appellant since he replaced their biological father. According to the learned counsel for the Appellant, it did not go down well with 'K' and 'M'. They could not reconcile this situation. The victims were separated from their biological father by their mother because of the Appellant. And that is the reason why this case came into being.

10. It is further submitted that there is no corroboration to the testimony of the victims as no scientific evidence is there. The MLC nowhere reflects any injury on the body or any part of the body of the victims and there is no word about the status of the hymen. Therefore, all these factors go on to belie the story of the victim especially of 'K' that she was being continuously raped by the Appellant for the last 1½ years prior to 28.04.2014.



11. There is a mix-up qua the date as to when exactly the incident in question took place, whether it was on 28.04.2014 or 29.04.2014. In addition to that, learned counsel for the Appellant has emphasized about the testimony of the PW4 victim 'M', who according to her, has turned hostile and has categorically stated that no wrong act was done by the Appellant with her. However, she has deposed that she was kissed on her cheeks and her breast was also touched. When it comes about the ordeal of her elder sister 'K', she has categorically stated about it and supported the case of the prosecution. Relevant portion of her Examination-In-Chief is reproduced here under:

“After some time I noticed that my father removed his clothes and then of my sister and did some "kuch galat kaam" (apni su su ko potty wali jagah main ghusa rahe the). My sister dropped a glass.”

12. Learned counsel for the Appellant has vehemently argued about the discrepancies and has tried to wriggle out of the situation in which the Appellant has landed himself. However, the discrepancies and variations are not such which may affect the core of the issue.

13. Hon'ble Supreme Court while dealing with the aspect of contradictions, laid the following guidelines in the case titled as ***Balu Sudam Khalde v. State of Maharashtra, (2023) 13 SCC 365:***

“25. The appreciation of ocular evidence is a hard task. There is no fixed or strait jacket formula for appreciation of the ocular evidence. The judicially evolved principles for appreciation of ocular evidence in a criminal case can be enumerated as under:

I. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is



against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief.

II. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details.

III. When eyewitness is examined at length it is quite possible for him to make some discrepancies. But courts should bear in mind that it is only when discrepancies in the evidence of a witness are so incompatible with the credibility of his version that the court is justified in jettisoning his evidence.

IV. Minor discrepancies on trivial matters not touching the core of the case, hypertechnical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole.

V. Too serious a view to be adopted on mere variations falling in the narration of an incident (either as between the evidence of two witnesses or as between two statements of the same witness) is an unrealistic approach for judicial scrutiny.

VI. By and large a witness cannot be expected to possess a photographic memory and to recall the details of an incident. It is not as if a video tape is replayed on the mental screen.

VII. Ordinarily it so happens that a witness is overtaken by events. The witness could not have anticipated the occurrence which so often has an element of surprise. The mental faculties therefore cannot be expected to be attuned to absorb the details.

VIII. The powers of observation differ from person to person. What one may notice, another may not. An object or movement might emboss its image on one person's mind whereas it might go unnoticed on the part of another.

IX. By and large people cannot accurately recall a conversation and reproduce the very words used by them or heard by them. They can only recall the main purport of the conversation. It is unrealistic to expect a



witness to be a human tape recorder.

X. In regard to exact time of an incident, or the time duration of an occurrence, usually, people make their estimates by guesswork on the spur of the moment at the time of interrogation. And one cannot expect people to make very precise or reliable estimates in such matters. Again, it depends on the time-sense of individuals which varies from person to person.

XI. Ordinarily a witness cannot be expected to recall accurately the sequence of events which take place in rapid succession or in a short time span. A witness is liable to get confused, or mixed up when interrogated later on.

XII. A witness, though wholly truthful, is liable to be overawed by the court atmosphere and the piercing cross-examination by counsel and out of nervousness mix up facts, get confused regarding sequence of events, or fill up details from imagination on the spur of the moment. The subconscious mind of the witness sometimes so operates on account of the fear of looking foolish or being disbelieved though the witness is giving a truthful and honest account of the occurrence witnessed by him.

XIII. A former statement though seemingly inconsistent with the evidence need not necessarily be sufficient to amount to contradiction. Unless the former statement has the potency to discredit the later statement, even if the later statement is at variance with the former to some extent it would not be helpful to contradict that witness.”

14. If the testimony of the witnesses, especially the contradictions pointed out by the learned counsel for the Appellant are tested on the aforesaid parameters in the given facts and circumstances, then it would emerge that the discrepancies are not material. In fact, one of the most hyped out discrepancy is the date of the incident. Learned counsel for the Appellant has argued that two different dates have come with regard to the incident i.e. 28.04.2014 and 29.04.2014. It is submitted that this in itself raises a serious question mark about the veracity of the case. However, this riddle stands solved if the testimony of the victims is juxtaposed with their MLCs. According to the statement of the witnesses ‘K’ and ‘M’, their ordeal started



at around 8:30 or 9:00 PM on 28.04.2014 and by the time, the matter was reported to the police and the MLC was prepared, it was well beyond 12:00 AM in the night of 28.04.2014. The MLC Ex.PW-1/A clearly reflects that the victim 'K' was brought for her medical examination on 29.04.2014 at 2:30 AM. In such circumstances, the mix up with regard to the date in the mind of the victims, cannot be ruled out and certainly cannot be taken as a serious lapse or contradiction, so as to completely wipe out the case.

15. Apart from the victims, the other two vital witnesses have maintained that the incident took place on 28.04.2014. Thus, the conjoint reading of the testimonies of the victims, the landlord and his wife coupled with the details given in the MLC Ex. PW-1/A, there remains no doubt about the date of incident that the incident took place in the night of 28.04.2014.

16. Another aspect, which has been highlighted by the learned counsel for the Appellant is the location of the victim and the Appellant in the room where the incident took place. The witnesses, according to the learned counsel for the Appellant, are at variance as to where the Appellant was sitting, how he was sitting and where one of the victims was in the room when the landlord and his wife got the room opened. The Appellant was sitting on the floor or on the bed is not clear. He was dressed or undressed or partially dressed is also not clear and for that matter, where were the victims, when the door was opened at the instance of the landlord Sanjay (PW-2).

17. So far as the Appellant is concerned, he was found sitting in the room. He was in his undergarments sitting on the bed as stated by Suman (PW-11), whereas Sanjay (PW-2) also found him sitting in the room in his undergarments but on the floor. It is pertinent to note here that the wife of the landlord Suman (PW-11) had joined her husband after sometime, whereas landlord Sanjay (PW-2) initially went to the room of the Appellant



alone. This in itself is self explanatory as there may be a possibility that by the time Suman (PW-11) arrived there, the Appellant changed his position from floor to bed or *vice versa*. However, what is important, vital and relevant is the presence of the Appellant in the room, which both the landlord and his wife have stated and both have maintained this fact that the Appellant was sitting in his undergarments. The fact whether he was on the bed or on the floor, is not that important so as to put a question mark about the veracity of the prosecution's case.

18. Incidentally, learned counsel for the Appellant has raised an issue about non-inclusion and non-examination of one Anand, who according to the case of the prosecution was the first person to know about these things, but then not only the mother of the victim 'K', but the Appellant too has pleaded ignorance about the so called Anand in their statements recorded under Section 313 Cr.P.C. In such circumstances, when the existence and presence of Anand is itself under a cloud, how come the prosecution or the police would have examined such a person. Learned counsel for the Appellant has no answer to this question, which in the process completely takes away the arguments in this context raised by learned counsel for the Appellant. What is there is more important as compared to what could have been. It may be possible that the so called Anand was a witness, but for some reason, he was not joined in the proceedings and was not examined. This alone is not fatal. If, according to the Appellant, he was a truthful witness, then in that eventuality, the Appellant himself could have brought him in his defence. In any case, the matter is to be decided on the basis of what is there before the Court and not that, which could have been there. Where the person would have stood, with the prosecution or with the



defence is anybody's guess. Any such hypothesis would be impractical to entertain. Thus, the contention in this regard is brushed aside.

19. Learned counsel for the Appellant has further drawn the attention of the Court to the testimony of Dr. Minu Keshkar (PW-3), to emphasize that no scientific evidence is available with regard to any assault or any sexual assault, penetrative or otherwise. It is submitted that the Doctor has categorically stated about the victim 'M' that she and her mother, refused gynaecological examination and sample collection, as can be seen in the document Ex. PW-3/A. However, the MLC in respect of victim 'K' nowhere reflects any injury etc. indicative of sexual assault, evident in the MLC Ex. PW-3/B (Ex. PW-3/3).

20. Learned counsel for the Appellant, as such asserted that the Appellant has been falsely implicated by his own step-daughters out of vengeance and hatred originating from the fact that their mother has dumped their biological father for the Appellant.

21. Learned counsel for the Appellant has seemingly ignored the FSL result Ex. PW-9/A and if the scientific evidence i.e. the MLC and the FSL are read conjointly, then the complicity of the Appellant no longer remains doubtful in any manner.

22. The MLC Ex. PW-3/B (Ex. PW-3/3) prepared by Dr. Minu Keshkar (PW-3) clearly reflects that the requisite samples in terms of Sexual Assault Forensic Evidence Kit (Safe Kit) were taken and handed over to the Investigating Officer in sealed condition.

23. Those samples were examined in the Forensic Science Laboratory ('FSL'), as has been deposed by PW-9 Ms. Anita Chhari, Senior Scientific Officer, Biology, FSL. The relevant part of her testimony reproduced herein below:



“On 08.05.2014 four sealed forensic parcels received in connected with FIR No. 107/14 PS Inder Puri in DNA Unit. In this case I examined all the parcels, biological and DNA analysis. I gave the number to the exhibits as mentioned in my report. After biological examination blood was deducted on blood sample of victim i.e. 1p1 and 1p2, 1q2 and blood sample of accused i.e. 4. Blood could not be deducted on other exhibits. Human semen was deducted on exhibits 1k1, 1k2 i.e. microslide of victim and 1k3 cotton wool swab of victim and 2a underwear of victim and semen could not be deducted on other exhibits. After DNA examination conclusion is that the DNA profiling STR Analysis performed on exhibits 1k1, 1k2 (microslides of victim), exhibit 1k3 (cotton wool swab of victim), exhibit 1p1 (Blood sample of victim), exhibit 2a (underwear of victim) & exhibit 4 (Blood sample of accused) provided is sufficient to conclude that the seminal stains from the source of exhibits 1k1, 1k2 (microslides of victim), exhibit 1k3 (cotton wool swab of victim) & exhibit 2a (underwear of victim) is similar with the source of exhibit 4 (Blood sample of accused). After examining the exhibits, same were sealed with seal of AC FSL Delhi. My detailed report is EX.PW9A, it bears my signature at point A on each page.”

24. It is settled proposition of law that in case of sexual offences, the testimony of the prosecutrix alone is sufficient to nail down the accused provided it is of sterling quality, impeccable trustworthy and credible enough not to allow any kind of doubt or suspicion to afflict it. No corroboration to such testimony is required and findings in a case can be based upon such statement. Reference in this context can be made to the judgment passed in ***Ganesan v. State, (2020) 10 SCC 573***, wherein Hon’ble Supreme Court held as under:

“10.1. Whether, in the case involving sexual harassment, molestation, etc., can there be conviction on the sole evidence of the prosecutrix, in Vijay [Vijay v. State of M.P., (2010) 8 SCC 191:(2010) 3 SCC (Cri) 639], it is observed in paras 9 to 14 as under:

“9. In State of Maharashtra v. Chandraprakash Kewalchand Jain, (1990) 1 SCC 550:1990 SCC (Cri) 210] this Court held that a woman, who is the victim of sexual assault, is not an accomplice



to the crime but is a victim of another person's lust and, therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The Court observed as under:

'16. A prosecutrix of a sex offence cannot be put on a par with an accomplice. She is in fact a victim of the crime. The Evidence Act nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly a competent witness under Section 118 and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. What is necessary is that the court must be alive to and conscious of the fact that it is dealing with the evidence of a person who is interested in the outcome of the charge levelled by her. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. The nature of evidence required to lend assurance to the testimony of the prosecutrix must necessarily depend on the facts and circumstances of each case. But if a prosecutrix is an adult and of full understanding the court is entitled to base a conviction on her evidence unless the same is shown to be infirm and not trustworthy. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence.'

10. In *State of U.P. v. Pappu* [*State of U.P. v. Pappu*, (2005) 3 SCC 594 : 2005 SCC (Cri) 780] this Court held that even in a case where it is shown that the girl is a girl of easy virtue or a girl habituated to sexual intercourse, it may not be a ground to absolve the accused from the charge of rape. It has to be established that there was consent by her for that particular occasion. Absence of injury on the prosecutrix may not be a factor that leads the court to absolve the accused. This Court further held that there can be conviction on the sole testimony of the



prosecutrix and in case, the court is not satisfied with the version of the prosecutrix, it can seek other evidence, direct or circumstantial, by which it may get assurance of her testimony. The Court held as under:

'12. It is well settled that a prosecutrix complaining of having been a victim of the offence of rape is not an accomplice after the crime. There is no rule of law that her testimony cannot be acted upon without corroboration in material particulars. She stands at a higher pedestal than an injured witness. In the latter case, there is injury on the physical form, while in the former it is both physical as well as psychological and emotional. However, if the court of facts finds it difficult to accept the version of the prosecutrix on its face value, it may search for evidence, direct or circumstantial, which would lend assurance to her testimony. Assurance, short of corroboration as understood in the context of an accomplice, would do.'

11. In State of Punjab v. Gurmit Singh [State of Punjab v. Gurmit Singh, (1996) 2 SCC 384 : 1996 SCC (Cri) 316] , this Court held that in cases involving sexual harassment, molestation, etc. the court is duty-bound to deal with such cases with utmost sensitivity. Minor contradictions or insignificant discrepancies in the statement of a prosecutrix should not be a ground for throwing out an otherwise reliable prosecution case. Evidence of the victim of sexual assault is enough for conviction and it does not require any corroboration unless there are compelling reasons for seeking corroboration. The court may look for some assurances of her statement to satisfy judicial conscience. The statement of the prosecutrix is more reliable than that of an injured witness as she is not an accomplice. The Court further held that the delay in filing FIR for sexual offence may not be even properly explained, but if found natural, the accused cannot be given any benefit thereof. The Court observed as under:

'8. ... The court overlooked the situation in which a poor helpless minor girl had found herself in the company of three desperate young men who were threatening her and preventing her from raising any alarm. Again, if the investigating officer did not conduct the investigation properly or was negligent in not being able to trace out the driver or the car, how can that become a ground to discredit the testimony of the prosecutrix? The prosecutrix had no control over the investigating agency and the negligence of an investigating officer could not affect the credibility of the statement of the prosecutrix. ... The courts must, while



evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her. In cases involving sexual molestation, supposed considerations which have no material effect on the veracity of the prosecution case or even discrepancies in the statement of the prosecutrix should not, unless the discrepancies are such which are of fatal nature, be allowed to throw out an otherwise reliable prosecution case. ... Seeking corroboration of her statement before relying upon the same, as a rule, in such cases amounts to adding insult to injury. ... Corroboration as a condition for judicial reliance on the testimony of the prosecutrix is not a requirement of law but a guidance of prudence under given circumstances. ...

21. ... The courts should examine the broader probabilities of a case and not get swayed by minor contradictions or insignificant discrepancies in the statement of the prosecutrix, which are not of a fatal nature, to throw out an otherwise reliable prosecution case. If evidence of the prosecutrix inspires confidence, it must be relied upon without seeking corroboration of her statement in material particulars. If for some reason the court finds it difficult to place implicit reliance on her testimony, it may look for evidence which may lend assurance to her testimony, short of corroboration required in the case of an accomplice. The testimony of the prosecutrix must be appreciated in the background of the entire case and the trial court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations.'

(emphasis in original)

12. In State of Orissa v. Thakara Besra [State of Orissa v. Thakara Besra, (2002) 9 SCC 86 : 2003 SCC (Cri) 1080] , this Court held that rape is not mere physical assault, rather it often distracts (sic destroys) the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the prosecutrix must be appreciated in the background of the entire case and in such cases, non-examination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offence.



13. In State of H.P. v. Raghubir Singh [State of H.P. v. Raghubir Singh, (1993) 2 SCC 622 : 1993 SCC (Cri) 674] this Court held that there is no legal compulsion to look for any other evidence to corroborate the evidence of the prosecutrix before recording an order of conviction. Evidence has to be weighed and not counted. Conviction can be recorded on the sole testimony of the prosecutrix, if her evidence inspires confidence and there is absence of circumstances which militate against her veracity.

A similar view has been reiterated by this Court in Wahid Khan v. State of M.P. [Wahid Khan v. State of M.P., (2010) 2 SCC 9 : (2010) 1 SCC (Cri) 1208] placing reliance on an earlier judgment in Rameshwar v. State of Rajasthan [Rameshwar v. State of Rajasthan, 1951 SCC 1213 : AIR 1952 SC 54].

14. Thus, the law that emerges on the issue is to the effect that the statement of the prosecutrix, if found to be worthy of credence and reliable, requires no corroboration. The court may convict the accused on the sole testimony of the prosecutrix.”

10.2. In Krishan Kumar Malik v. State of Haryana [Krishan Kumar Malik v. State of Haryana, (2011) 7 SCC 130 : (2011) 3 SCC (Cri) 61] , it is observed and held by this Court that to hold an accused guilty for commission of an offence of rape, the solitary evidence of the prosecutrix is sufficient, provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality.”

25. In the instant case, the testimony of the victims, more particularly of victim ‘K’ is credible and trustworthy being free from any sort of embellishment or mix up, so far as narration of events is concerned and in any case, corroboration also is there to support the version of victim ‘K’, in both segments i.e. ocular and direct evidence together with scientific and technical. The circumstances are heavily loaded against the Appellant in such a manner that there is no escape for him from the conclusion that he sexually assaulted his minor step-daughters.

26. The undue insistence on the part of the Appellant to bring back victim ‘K’ and for that matter, the biological mother of victim ‘K’ also wanted



victim 'K' to stay back in the hospital, where the youngest daughter of Appellant and his wife i.e. biological mother of victim 'K', was admitted and was under treatment for chickenpox is an incriminating circumstance. It has come on record that the biological mother of the victim 'K' was apprehensive about the intentions of the Appellant and that is why, she wanted to have her daughter stay back at the hospital. The Appellant, however, managed to bring 'K' back home with him. The testimony of 'K' and her younger sister 'M', speaks volumes about the ordeal, which they had undergone on that day and even prior to 28.04.2014 at the hands of accused

27. Another circumstance, which stands against the Appellant is in the shape of testimony of landlord Sanjay (PW-2) and his wife Suman (PW-11). Landlord Sanjay was residing on the ground floor, whereas Appellant Ram Murat was a tenant on the first floor. An understanding was developed between the victim and the landlord that in case of any untoward incident taking place, the victims would thump their first floor room, which would convey that they are in distress and need help. This happened, which brought the landlord and thereafter his wife at the room of the Appellant, which had tell tale story about something going wrong in the said room. When the landlord and his wife brought the sisters downstairs at their room, they revealed the whole incident and in the meantime, when the Appellant tried to escape from there, he was caught hold by the landlord and prior to that, police was already informed telephonically by victim 'K'. All these circumstances, support the version of victim 'K'.

28. Corroboration to the version of victim 'K' further comes with the MLC Ex.PW-1/A and the FSL result Ex. PW-9/A. On the conjoint reading of the testimony of Dr. Minu Keshkar (PW-3) and Ms. Anita Chhari (PW-9),



it is evident that the victim 'K' was examined by Dr. Minu Keshkar, who, though, did not find any injury mark etc., but the history given by the victim clearly reflects about the assault being faced by victim 'K' for the last about 1½ years prior to 28.04.2014. Dr. Minu Keshkar complied with the requirement by having the Sexual Assault Forensic Evidence Kit (Safe Kit), which was sealed and handed over to the police, who in turn took it to the FSL, where the examination, more particularly, on examination of the underwear of the victim and the blood sample of Appellant the seminal stains were found connecting the Appellant with the offence. There is no explanation as to how this scientific evidence is there if the Appellant has no involvement in the offence.

29. The attempt by the Appellant to wriggle out of the situation by bringing evidence in his defence has proved futile inasmuch as he has examined himself as DW-1 and his employer as DW-2. However, the evidence led by the Appellant nowhere rule out or dislodge the case of the prosecution. He has tried to portray that the victim and her mother had left him for some time and then again came back to him, which shows that the victim was not being ill-treated. Had there been any kind of misbehaviour, then there was no occasion for the victim and her mother to come back to him. However, it has come on record that he had promised to behave properly and on that assurance, the mother of the victim joined the company of the Appellant again.

30. The biological mother of the victim 'K' was a co-accused, who has been acquitted by the Trial Court and in her statement recorded under Section 313 Cr.P.C., she has admitted in response to Question No. 1, that the Appellant was present in Delhi on the fateful day and that he had taken back the victim 'K' from the hospital against the wishes of the victim and her



mother. As regards, the apprehension in the mind of the victim and her mother, that too has been admitted by her in response to Question No. 2. It was sexual assault committed by the Appellant upon victim 'K', which forced the biological mother of victim 'K' to part with the company of the Appellant as she took a separate room on rent, as has been admitted by the biological mother of victim 'K' in response to Question No. 12 in her statement. She has also admitted that she came back to reside with the Appellant on his request, as is there in response to Question No. 13.

31. The prosecution has to stand on its own legs to bring home the case against the accused and the statement of the accused cannot be taken against the accused, but then co-accused and the accused, for that matter, responses of the accused can definitely be looked into in order to lend some credence to the case of the prosecution, if it is found to be so.

32. Incidentally, not only the mother of victim 'K', but the Appellant too has admitted about the insistence to bring back 'K' from the hospital. Testimony is there to that effect and the answer of the Appellant and his wife only cements and fortifies it further against the Appellant.

33. In view of the foregoing discussion, it is evident that the Appellant has been unable to show any substance in the appeal. Therefore, the impugned Judgment is not required to be interfered with. As a result, the appeal fails and stands dismissed. The Appellant to surrender forthwith to serve the sentence.

34. Copy of the judgment be transmitted to learned Trial Court and Prison Authorities for information and necessary compliance.

VIMAL KUMAR YADAV, J

APRIL 21, 2026/akc/tng