

his house. Thereafter, prosecutrix proceeded with the appellant to his house and reached inside the house. It is alleged that the appellant suddenly closed the door, pushed the prosecutrix on ground and gagging her mouth by clothes, committed rape on her, due to which prosecutrix became unconscious. After sometime, she regained her consciousness and asked for water but the appellant put wine in her mouth. Then, she again became intoxicated. In the meantime, son of Suklal came there and brought her to her home.

The fardbeyan of the prosecutrix was recorded on 18.10.2002 at about 12:15 hours by police at her own house situated in village Nutandih. Accordingly, F.I.R. was registered for the offence under Section 376 of the I.P.C.

4. After completion of investigation, the charge-sheet was submitted against the present appellant and after taking cognizance, the case was committed to the court of Sessions, where S.T No. 19 of 2003 was registered.
5. The appellant denied the charge levelled against him and claimed to be tried.
6. In the course of trial, altogether 7 witnesses were examined by the prosecution apart from documentary evidence.

The defence has also examined two witnesses denying the allegation levelled against him.

7. The learned Trial Court after scrutinizing the evidence oral as well as documentary led by the respective parties, arrived at definite conclusion about the guilt of the appellant for the offence under Section

376 of the I.P.C. Accordingly, the learned Trial Court convicted and sentenced him as stated above.

Submission on behalf of appellant:-

8. Assailing the impugned judgment, the learned counsel for the appellant submits that except the prosecutrix, there is no eye witness to the occurrence. The falsity of the case itself reveals from the lodging of the F.I.R. after considerable delay of three months without offering any reasonable explanation. The husband of the prosecutrix (PW-5) himself admits that he was informed by his wife about the incident after 2-3 days of the occurrence but the F.I.R. was lodged on 18.10.2002. PW-5 has also admitted that he was married with prosecutrix in the year 1985 and out of wedlock, has three children. He again married with sister of his first wife and from her, he has also two children. He also admits that the accused is his brother-in-law (*Sarhu*) and both reside as Ghar-damad and jointly enjoying the property of their in-laws. It is further submitted that the prosecutrix is a married woman having children and there is land dispute as a ghar-damad between husband of the prosecutrix and the appellant. It is further submitted that not a single villager has corroborated the prosecution story, which is absolutely false and fabricated with a view to grab the share in the property of in-laws of the appellant. The learned Trial Court has committed serious error of law in considering the prosecutrix as wholly reliable witness ignoring the materials collected during cross-examination which clearly establishes that there was land dispute and even after expiry of 17 years of her marriage, she was never teased or mis-behaved at any point of time by

the appellant. Suddenly, such type of grave allegation has been imputed against the appellant after three months of the alleged occurrence on false and concocted story. Therefore, conviction and sentence of the appellant is liable to be set aside and this appeal may be allowed.

Submission on behalf of State:-

9. Learned A.P.P. has opposed the aforesaid contentions raised by learned counsel for the appellant and defending the impugned judgment has submitted that the learned Trial Court has very wisely and aptly scrutinized the evidence adduced by the prosecution and defense. The plea of delay in lodging F.I.R. has sufficiently been explained by the prosecution. It is proved that the case of the victim was not registered at the police station, then she filed an application before the higher police authorities, like S.P., D.I.G. and also sent letter to the Chief Minister. Thereafter, her F.I.R. was registered, which shows the high handedness of the appellant. The defense has not been able to elicit any material contradictions or discrepancies in the evidence of prosecutrix to distrust her evidence or cast any doubt upon her testimony. No reason has been brought on record to disbelieve the evidence of the prosecutrix. Even the defense plea about land dispute between the husband of the prosecutrix and the appellant being Ghar-Jamai is also not proved by any cogent evidence. No description of any joint property to be inherited by appellant and husband of the prosecutrix has been proved or any documentary evidence regarding this, has been brought on record. Therefore, there is no illegality or infirmity in the impugned judgment of conviction and sentence of the appellant calling for any

interference in this appeal, which is devoid of merits and fit to be dismissed.

Analysis, Reasons and Decision:-

10. I have gone through the record of the case along with the impugned judgment and order in the light of the contentions raised on behalf of both side.
11. The only point for consideration of this appeal is, as to whether the impugned judgment of conviction and sentence suffers from any serious error or law calling for any interference or not?
12. Before adjudicating the above point, it is pertinent to apprise with the testimony of the witnesses examined during trial.
13. The most important witness in this case is the prosecutrix (victim), who has been examined as **PW-3**. According to her evidence, on 19.07.2002 at about 10:00 A.M., she was returning from her field and reached near the Pulia, meanwhile, the present appellant told her that some information has been received for her and asked her to come his home. She went to the house of the appellant, then he closed the door, dashed her down and gagging her mouth, committed rape upon her. The accused also forcibly administered liquor. She cannot tell as to who brought her to her home. She lodged this case after arrival of her husband, who was working at Shalimar factory at Dimna. She further states that due to intoxication, she regained consciousness after 2-3 days of the occurrence. She further states that due to fear of the accused, she did not go to police station for lodging the case rather sent the information through registered post to police station but police did not

come to her home. Then, she sent a letter to S.P., Tatanagar but no case was registered. Then, she also sent a letter to the Chief Minister. Thereafter, police came to her house and her statement was recorded.

In her cross-examination, she admits that she met with the accused at a distance of 10-15 steps from his house. When she was going to the house of the accused, none of the villagers had seen her. She also admits that the accused resides in his sasural, where his wife and children also reside alongwith other family members. There was no lock in the house rather door was open. She further admits that when the accused gagged her mouth putting clothes, she became unconscious and regained consciousness after 3-4 days. She was medically examined at the hospital at the instance of police. She has denied the suggestion of defense that due to land dispute, she has lodged this false case of rape against the accused and no such occurrence has even taken place.

PW-1 Sukchandra Mahto & PW-2 Jhuru Mahto have been declared hostile by the prosecution and expressed no knowledge about the occurrence.

PW-4 Sharda Prasad Diwedi- is the Secretary of Labour Union. He came to know about the occurrence from prosecutrix and her husband. He has proved the letter dated 26.07.2002 which was prepared in carbon process addressed to the Officer-in-charge, Patamada Police Station (Exhibit-1). He has further proved the second letter dated 29.07.2002 prepared in carbon process sent to the then Superintendent of Police. This letter was scribed as narrated by the prosecutrix

(Exhibit-1/1) and the third letter dated 09.09.2002 was sent to the Chief Minister Shri Babulal Marandi (Exhibit-1/2).

In his cross-examination, this witness admits that he is giving evidence in the Court for the first time and he was neither called upon by the police nor interrogated during investigation and he is also not the eye witness of the occurrence. The above letters were written in the presence of the prosecutrix and her husband. He has denied the suggestion of defense that a concocted story was told to him and he prepared the letters and allegedly sent to the authorities.

PW-5 Manjan Oraon- is the husband of the prosecutrix. According to his evidence, he was working in a factory and was informed after 2-3 days of the occurrence by his wife about commission of rape upon her but due to fear, he immediately did not lodge any F.I.R. He also states that the accused is liquor seller, hence, due to his fear, report was not lodged. He informed to Secretary of Labour Union Sharda Prasad Diwedi (PW-4) and met alongwith his wife. Then, letter was written and sent to the Officer-in-charge, S.P. and the Chief Minister. He has proved his signature on Fardbeyan as Exhibit-4.

In his cross-examination, he admits that he was acquainted with the accused since 1985 when this witness was married. He further admits that he has total 6 children. Three children are born from second wife and he also admits that he has three children from his first wife. His both wives reside with him jointly. First wife is the prosecutrix. He further admits that he has not informed about the incident to village Chowkidar or Mukhiya. He does not know, as to who had brought his

wife from the house of the accused when she was unconscious. He further admits that Suklal is brother-in-law of the accused Ajit Oraon. Accused Ajit Oraon is the uncle of his second wife. He also admits that his both wives are related with each other as sisters. He further admits that he and the accused both are Ghar-damad and landed property of his father-in-law is joint. He has denied the suggestion of defence that with a view to grab the property coming to the share of the appellant, he has falsely implicated the accused in this case through his wife and no such occurrence took place.

PW-6 Ram Khelawan Paswan is the Investigating Officer of this case. According to his evidence, he received the charge of investigation of this case on 18.10.2002. He has proved the fardbeyan of the prosecutrix as Exhibit-5 and Endorsement on fardbeyan as Exhibit- 5/1. After taking charge of investigation, he has recorded re-statement of the prosecutrix and statement of other witnesses, namely, Judu Mahto and Lambodar Mahto and inspected the place of occurrence, which is house of accused situated in Village Nutandih having main door towards east direction. Entering into the room, one cot was lying in this room, where the occurrence was alleged to have taken place. He further interrogated with other witness Tribhuwan Oraon and finding sufficient evidence in this case, submitted charge-sheet against the accused.

In his cross-examination, he admits that during investigation, he came to know that there was relationship of Jija-Shali between the prosecutrix and the accused. The accused is also Ghar-damad. He has not investigated the case with regard to probability of false implication

and did not meet with Mukhiya or Sarpanch of the Village. He further admits that prosecutrix has not disclosed before him that she became unconscious for 2 days after the occurrence. He further admits that the prosecutrix told him that in the state of semi-consciousness, she was brought to her home by son of Suklal but he has not interrogated with Suklal or his son. He further admits that he cannot tell as to how many rooms and varmdah are there in the house of the accused. He had neither seized any wearing clothes of the prosecutrix nor the same was produced before him. He further admits that he has not obtained medical examination report of the prosecutrix and charge-sheet was submitted by him without perusal of the medical report. He also admits that just adjacent to the place of occurrence, there are houses of Rasik Oraon, Konda Oraon, Santosh Oraon, etc. but he has not interrogated with them about the occurrence. He has also not conducted any investigation regarding delay in lodging the F.I.R. He has denied the suggestion of defense that his investigation is perfunctory and without collecting sufficient evidence, he has submitted charge-sheet.

PW-7 Dr. Saroj Sah- she conducted the medical examination of victim on 18.10.2002. Medical report of victim has been marked as Exhibit-6 (with objection) as it is photocopy. This witness herself admitted that this report is photocopy of original injury report which was prepared in carbon process and further admits that this is photocopy of carbon copy. This was written by her and bears her signature in original and in carbon process. From perusal of Exhibit-6 medical report, it appears that the doctor has opined that no definite opinion about commission of

rape can be given. It is important to consider that the alleged rape was committed on 19.07.2002 and the medical examination of the victim was conducted on 18.10.2002 after about three months of occurrence. If medical is conducted after three months of occurrence, it is not possible to gather any positive evidence of rape. In this particular case, medical report is meaningless because this was conducted after three months from the occurrence.

14. On the other hand, the case of defence is denial from the occurrence and two witnesses have also been examined on behalf of the defence.

DW-1 Tribhuvan Oraon- He is neighbor of the prosecutrix but neither the prosecutrix nor her husband disclosed about the occurrence to him. He has also stated that land dispute is going on between the accused Ajit Oraon and husband of the prosecutrix since three years ago.

DW-2 Lambodar Mahto- He has also stated that he never heard about commission of rape upon the prosecutrix at any point of time by the accused. Husband of the prosecutrix also did not disclose about the incident to any one of the villagers. No panchayati was convened in the village regarding alleged occurrence.

15. I have given anxious consideration to the overall aspects of the case and the material evidence available on record.
16. It appears that main ground of objection raised by the appellant is the delay of three months in lodging the F.I.R. without offering any reasonable explanation.

In this connection, the learned Trial Court has elaborately considered the evidence of PW-3 and PW-4, who have categorically

stated that the letters were sent to the concerned police station, Superintendent of Police, and the Chief Minister at the very earliest time on 26.07.20023 (Ext.-1), 29.07.2002 (Ext.-1/1) and 09.09.2002 (Ext.- 1/2). All the above letters were posted through registered post with acknowledgment due and also received from the Chief Minister's Secretariat. Thereafter, immediately the police arrived at the house of the prosecutrix and recorded her fardbeyan on 18.10.2002. Thereafter, her medical examination was conducted. The plight of the victim clearly reveals that she has rushed towards the pillar to post for getting registration of her case and ultimately on intervention of the Chief Minister, the F.I.R. was registered. Therefore, the delay in lodging the F.I.R appears to have been reasonably explained in this case.

17. It further appears that the sole eye-witness of this case is the prosecutrix (PW-3), who has categorically corroborated her earliest version contained in the fardbeyan and the factum of rape committed on her by the present appellant on some pretext that some kutumb member had come and she has been called upon, to which prosecutrix proceeded with the accused (appellant) to his house, where no family members were present then he dashed her in the room, closed the door and forcibly committed rape upon her. It is also proved that appellant is liquor seller. He also administered some wine when, she asked for water and she became intoxicated and she was brought to her house by son of Sukhram. It is also proved that her husband was working in Shalimar Factory and returned to home after 2-3 days. Thereafter, she alongwith

her husband met with PW-4 Secretary of Labour Union and letters were sent to the concerned police station and the superior authorities.

This witness has been cross-examined at length by the defence but no material has been elicited to discredit or disbelieve her testimony. She has denied any love affair with the appellant and any kind of land dispute with the appellant and her husband. Since, the prosecutrix is a married lady and habitual to sexual intercourse and her medical examination was conducted after three months due to inaction of police authorities, medical examination report does not disclose any definite opinion about commission of rape upon the prosecutrix, which does not appear to be affecting the core prosecution case.

18. The learned counsel for the appellant has led much emphasis about relationship of both the accused and husband of the prosecutrix as Ghar-damad and enjoyment of joint property of their in-laws and some land dispute are also admitted by husband of the prosecutrix (PW-5).

In this connection on the above point, the evidence on record shows that except the admission of PW-5, no material has been brought on record by the defence to prove any existing land dispute between the parties. The defence witnesses have also not been able to prove any land dispute between the parties or any prior litigation. No documentary evidence has been adduced in this regard. The defence witnesses have simply stated that they reside in the village and never heard about the occurrence. Therefore, the learned Trial Court has very wisely recorded the findings that there is no substance in the plea of land dispute

between the parties. Moreover, mere existence of land dispute cannot be presumed to be a ground for false implication in the rape case.

19. It is trite that the testimony of prosecutrix appears to be wholly reliable and unblemished. The conviction can be made on uncorroborated testimony of the prosecutrix witnesses.

In the case of “**Krishan Kumar Malik vs. State of Haryana**, as reported in (2011) 7 SCC 130, the Hon’ble Apex Court held that to hold an accused guilty for commission of an offence of rape, the solitary evidence of prosecutrix is sufficient, provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality.

In the instance case, after evaluating the deposition of victim alongwith the deposition of other witnesses, I am of the opinion that victim is absolutely trustworthy and unblemished.

20. In view of the above discussion and reasons, I do not find any legal substance in the point of arguments raised on behalf of the appellant and no merits in this appeal to take a different view and interfere with the impugned judgment. As such, conviction and sentence of the appellant passed by the learned Trial Court is hereby upheld and confirmed.

21. Accordingly, this appeal is **dismissed**.

22. Pending I.A.(s), if any, stands disposed of.

23. The appellant is on bail. His bail bond is hereby cancelled.

24. The appellant is directed to surrender before the concerned Trial Court within two months from the date of this judgment and receive the remaining sentence awarded by the learned Trial Court and undergo the

remaining period of imprisonment, failing which, the learned Trial Court shall take all coercive steps in securing the attendance of the appellant and sending him under proper conviction warrant to jail custody for undergoing the remaining period of sentence awarded to him.

25. Let a copy of this judgment alongwith the trial Court records be sent back immediately to the concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand at Ranchi
Dated: 24/06/2026
Rahul- NAFR
Uploaded On: 24/06/2026