

**IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.****Cr. A. No. 217 of 2018****Reserved on: 29.08.2023****Date of decision: 01.09.2023**

State of Himachal Pradesh ...Appellant

Versus

Ved Prakash & Ors. ...Respondents

Coram

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.***The Hon'ble Mr. Justice Ranjan Sharma, Judge.****Whether approved for reporting? Yes.*

For the Appellant : Mr. Y. W. Chauhan, Sr. Addl. A.G. with Ms. Sharmila Patial, Addl. A.G., Mr J. S. Guleria, Dy. A.G. and Mr. Rajat Chauhan, Law Officer.

For the Respondents: Mr. Vinod Kumar Sharma, Advocate.

Tarlok Singh Chauhan, Judge.

Aggrieved by the acquittal of the respondents Ved Prakash, Ajay and Mithin @ Sahil of the offences punishable under Sections 120-B, 376-D, 506 of the Indian Penal Code, Section 3 of the POCSO Act and Section 3(1)(iii)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereas respondent Mohinder was acquitted of the offences punishable under Sections 120-B, 376-D, 506 of IPC and Section 3 of the POCSO Act, the State has filed the instant appeal.

2. The story of the prosecution, in brief, is that in the month of September, 2015, when the victim was present at her house in village 'A', she received a telephonic call from respondent No. 4 Mithin @ Sahil, who asked her to go to 'B'. The victim came to 'B', where the respondents Mohinder, Mithin @ Sahil, Ajay and another person met her. On asking this person, he disclosed that he was employed in veterinary dispensary at 'BE'. They offered cold drink to the victim. The respondents Mohinder and Ajay took the victim to 'BE' on a motorcylce and thereafter she became unconscious. When the victim regained her conscious, she found herself without clothes and noticed that the respondent Ajay Kumar was making her videography and respondents Mohinder, Ved Prakash and Ajay were sexually assaulting her. Thereafter, she again became unconscious and when she regained conscious she asked the respondents to take her to her house and thereafter they left her at her house.

3. The victim thereafter used to talk with Mithin @ Sahil on his mobile, but Mithin, according to her, had not committed any sexual assault with her. Thereafter, victim came to know that her photographs were uploaded on Whatsapp. Thereafter, she told this fact to her parents and consequently FIR came to be registered on 05.05.2016 i.e. after eight (8) months of the incident.

4. During investigation, it was found that respondent Mohinder Singh was also from scheduled castes community, therefore, he was not charged with the offence under the said section while the other co-accused were charged under Section 3(1)(iii)(x) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act.

5. The Investigating Officer recorded the statement of accused Ajay Kumar under Section 27 of the Indian Evidence Act, which led to recovery of mobile phone. The spot map was prepared. The respondents were arrested, got medically examined and the samples preserved by the Medical Officers were sent to Chemical Examiner and report of Chemical Analyst was obtained. The birth certificate of the victim was obtained. Statements of witnesses were recorded and after completion of codal formalities, the challan was prepared and presented in the Court.

6. Finding prima facie case, charges for the offences (supra) were framed against the respondents to which they pleaded not guilty and claimed trial.

7. The prosecution in order to establish its case examined as many as 29 witnesses and after closure of prosecution evidence, respondents were examined under Section 313 Cr.P.C. wherein they denied the prosecution case

and pleaded their innocence. However, no evidence in defence was led by the respondents.

8. The learned Trial Court after recording the statements of the witnesses and evaluating the same acquitted all the accused persons for the offences charged and aggrieved thereby the State has filed the instant appeal.

9. At the outset, it needs to be observed that rape is a crime not against an individual but a crime which destroys the basic equilibrium of the social atmosphere. "Rape" not only lowers the dignity of a woman but also mars her reputation. The plight of the woman and shock suffered by the victim can be well visualized. The victim of rape grows with traumatic experience and an unforgettable shame haunted by the memory of the disaster forcing her to a state of terrifying melancholia. The torment on the victim has the potentiality to corrode the poise and equanimity of any civilized society. It has been rightly said that whereas a murderer destroys the physical frame of a victim, a rapist degrades and defiles the soul of a helpless female. The offence of "Rape" is grave by its nature, which warrants a strong deterrent by judicial hand.

10. In **State of Punjab vs. Ramdev Singh, AIR 2004 SC 1290**, the Hon'ble Supreme Court held as under:-

This Court dealt with the issue and held that rape is violative of victim's fundamental right under [Article 21](#) of the Constitution. So, the courts should deal with

such cases sternly and severely. Sexual violence, apart from being a dehumanizing act, is an unlawful intrusion on the right of privacy and sanctity of a woman. It is a serious blow to her supreme honour and offends her self-esteem and dignity as well. It degrades and humiliates the victim and where the victim is a helpless innocent child or a minor, it leaves behind a traumatic experience. A rapist not only causes physical injuries, but leaves behind a scar on the most cherished position of a woman, i.e. her dignity, honour, reputation and chastity. Rape is not only an offence against the person of a woman, rather a crime against the entire society. It is a crime against basic human rights and also violates the most cherished fundamental right guaranteed under [Article 21](#) of the Constitution."

11. In **Jugendra Singh Vs. State of UP, (2012) 6 SCC 297**, the Hon'ble Supreme Court has held:-

"Rape or an attempt to rape is a crime not against an individual but a crime which destroys the basic equilibrium of the social atmosphere. The consequential death is more horrendous. It is to be kept in mind that an offence against the body of a woman lowers her dignity and mars her reputation. It is said that one's physical frame is his or her temple. No one has any right of encroachment. An attempt for the momentary pleasure of the accused has caused the death of a child and had a devastating effect on her family and, in the ultimate eventuate, on the collective at large. When a family suffers in such a manner, the society as a whole is compelled to suffer as it creates an incurable dent in the fabric of the social milieu. The cry of the collective has to be answered and respected

and that is what exactly the High Court has done by converting the decision of acquittal to that of conviction and imposed the sentence as per law."

12. In **Shyam Narian Vs. The State of NCT Delhi , (2013) 7 SCC 77**, the Hon'ble Supreme Court has elaborately dealt with the issue as discussed in **Madan Gopal Kaakar Vs. Naval Dubey and Anr., (1992) 3 SCC 204**, **State of Andhra Pradesh Vs. Bodem Sundra Rao, AIR 1996 SC 530** and **State of Karnataka Vs. Krishnappa, (2000) 4 SCC 75** and has held that :

"It is an assault on the individuality and inherent dignity of a woman with the mindset that she should be elegantly servile to men. Rape is a monstrous burial of her dignity in the darkness. It is a crime against the holy body of a woman and the soul of the society and such a crime is aggravated by the manner in which it has been committed."

13. Equally settled is the proposition of law that conviction can be based on the sole testimony of the victim of sexual assault without corroboration from any other evidence. The statement of the victim is more reliable than any other witness. Where the testimony of victim of sexual assault instills the confidence in court, the same can be relied for conviction of the accused. It is also a well settled principle of law that corroboration as a condition for judicial reliance on

the testimony of the victim is not a requirement of law but a guidance to prudence under the given circumstances.

14. **In Vijay @ Chinee vs. State of Madhya Pradesh, (2010) 8 SCC 191**, the Hon'ble Supreme Court has dealt with the issue and held that :

"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."

15. It is a settled legal proposition that once the statement of victim inspires confidence and is accepted by the court as such, conviction can be based on the solitary evidence of the victim and no corroboration would be required unless there are compelling reasons which necessitate the court for corroboration of her statement. Corroboration of testimony of the victim as a condition for judicial reliance is not a requirement of law but a guidance of prudence under the given facts and circumstances.

16. There are catena of judgments passed by the Hon'ble Supreme Court wherein it has been held that only the deposition of the prosecutrix by itself is also sufficient to record conviction for the offence of rape if that testimony inspires confidence and has complete link of truth. In **Md. Ali**

Vs. State of UP, 2015 (3) SCALE 274, the Hon'ble Supreme Court has held that "Be it noted, there can be no iota of doubt that on the basis of the sole testimony of the victim, if it is unimpeachable and beyond reproach, a conviction can be based and in [Mohd. Iqbal v. State of Jharkhand](#) reported in (2013) 14 SCC 481, the Hon'ble Supreme Court has held that "There is no prohibition in law to convict the accused of rape on the basis of sole testimony of the victim and the law does not require that her statement be corroborated by the statements of other witnesses.

17. Minor contradictions or insignificant discrepancies should not be a ground for throwing out an otherwise reliable prosecution case. A victim complaining of having been a victim of the offence of rape is not an accomplice after the crime. Her testimony has to be appreciated on the principle of probabilities just as the testimony of any other witness; a high degree of probability having been shown to exist in view of the subject matter being a criminal charge. However, if the court finds it difficult to accept the version of the victim on its face value, it may search for evidence, direct or substantial, which may lend assurance to her testimony.

18. Judged in light of the aforesaid exposition of law, we, on a careful analysis of the testimony of the victim, find a

large number of contradictions, inconsistencies, concealments, improvements and exaggeration, which casts a serious doubt and lead us to find it difficult to rely upon her version.

19. Adverting to her statement, the victim, when examined as PW1, stated that she was 10th pass and her date of birth was 11.07.1999. In the month of September, 2015, she had received a telephonic call from accused Mithin @ Sahil, who asked her to come at place 'B'. She went to place 'B', where Ajay and Mohinder offered her cold drink and thereafter Ajay and Mohinder told her that they will leave her at her house. Both of them took her to 'BE' on motorcycle. When she reached 'BE', Ved Prakash and Mithin@ Sahil came there. She became unconscious at 'BE'. When she regained conscious, she found herself in naked condition near veterinary hospital at 'BE'. She also found that respondent Ajay was making her videography. All the respondents had committed sexual offence with her and had threatened to do away with her life.

20. She further deposed that thereafter respondent Mithin @ Sahil made a call from his mobile number on her mobile number. She did not narrate the story to any one due to fear or threat. The respondents uploaded her video on

Whatsapp and when she saw it she told the facts to her family members on 05.05.2016. She went to the police station with her parents and brother and lodged FIR Ext. PW1/A. She was thereafter taken to hospital for medical examination but she refused to undergo the same. But later she agreed for medical examination and after medical examination the doctor issued MLC Ex.PW1/B. Thereafter, her statement under Section 164 Cr.P.C. was recorded before the Magistrate in the Court. On the next date i.e. 07.05.2016, she had shown the place of occurrence 'BE' to the police and on her identification, the police took the photographs of the spot. She also showed the place at 'B' where she was offered cold drink by the respondents. She identified the respondents as the same persons, who had committed sexual offence with her.

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21. In her cross-examination by learned counsel for respondent Ved Prakash, she admitted that respondent Mithin @ Sahil was known to her for last one year prior to September, 2015. She stated that when she left the house with Sahil, her mother was also at home. The cold drink was stated to have been offered to her on the road side. She further stated that Ved Prakash was not known to her nor she had met Ved Prakash. She admitted that after September, 2015 she used to go to different places normally. However, she denied that respondent Ved Prakash had been falsely implicated.

22. In her cross-examination by learned counsel for respondents Mohinder Singh and Ajay, she stated that she had told the Magistrate that she was offered cold drink by respondents in Dhaba at 'B'. She admitted that there was no mention of dhaba in FIR Ext.PW1/A. She admitted that she had refused for medical examination. She further admitted that she had got written on MLC mark 'A' that she did not want herself to be medically checked up. Self stated that earlier no injection was administered to her, therefore, under this apprehension, she refused. She did not tell this fact to the police.

23. In her cross-examination by learned counsel for the respondent Sahil, she admitted that Sahil had not gone to 'BE' with her from the place 'B'. Self stated that he had come later on. She admitted that she had told the police in FIR that respondent Sahil had not committed any offence with her. She also admitted that she had not told the name of Sahil to the Magistrate at the time of recording her statement. She further stated that all the respondents had threatened her why she had not named Sahil.

24. From the aforesaid statements, it would be noticed that the victim had not mentioned the date when she was telephonically called by respondent Mithin @ Sahil to come to 'B', the day, when she claimed to have been taken to 'BE' where she was sexually assaulted by the respondents. The information was given only in the next year after eight months on 05.05.2016, when no sexual offence admittedly was committed by any of the respondents with the victim. When the victim makes not only a bald but vague statement where even the date of incident was not mentioned, then it creates a serious doubt about the story put-forth by the victim herself.

25. It would be noticed that victim has stated that respondents offered cold drink at place 'B' and thereafter she was taken to place 'BE' by respondents Ajay and Mohinder.

She further claimed that she became unconscious at place 'BE' and stated that when she regained conscious, she found herself in a naked condition near the veterinary hospital at 'BE' where Ajay was making her video. She also stated that all the respondents had committed sexual offence with her, but this seems to be unreliable as she had become unconscious and she was not knowing about the occurrence as per the version put-forth by herself.

26. As observed above, the specific case of the victim is that all the respondents had committed sexual offence with her and threatened her but in her statement under Section 164 Cr.P.C. Ext. PW1/C, she stated that only the respondents Ajay, Mohinder and Ved Prakash had sexually assaulted her, whereas she had not mentioned the name of respondent Mithin @ Sahil. If the victim was in a naked condition, we really fail to see any reason why the victim had not reported the matter to her family members or to the police immediately or at best within a reasonable time and why she waited for more than eight months to lodge FIR, that too, when she claimed that she came to know that her photographs/video have been uploaded on the Whatsapp. Meaning thereby, had the photographs of the victim not been uploaded on the Whatsapp, the victim would have not registered the FIR and kept mum.

27. The victim had mentioned in the FIR that she became unconscious twice but this fact has nowhere been mentioned in her statement under Section 164 Cr.P.C. Ext. PW1/C. In FIR Ext. PW1/A, the victim had stated that all the accused persons had taken her to place 'BE' from where she had gone to her house, but before the Court, the victim stated that only respondent Mithin @ Sahil had taken her to house in a bus.

28. The victim has stated before the Magistrate that the cold drink was offered to her in a dhaba at 'B' whereas in the Court she has stated that cold drink was offered to her on the road side and there is otherwise no mention of Dhaba in FIR Ext. PW1/A.

29. In the given facts and circumstances, this Court is now required to see whether any other evidence has been adduced by the prosecution on record to support the version of the victim.

30. In this context, one would have to fall back on the medical examination. It would be noticed that when the victim was taken for medical examination, she initially refused to undergo the same as is evident from MLC Ext. PW5/B. It is thereafter, she agreed for medical examination on the basis of which MLC Ext. PW1/B was prepared.

31. Now, in case, the MLC is perused, it would be noticed that there is no mark of external injury on the body of the victim nor any final opinion was given by the doctor as per MLC Ext. PW1/B. In the MLC, it has been mentioned that the victim was subjected to sexual assault. The doctor had taken the sample of vaginal swab, vaginal slide, pregnancy kit, which was sent for chemical examination at RFSL, Dharamshala and report to this effect has been proved on record as Ext. PX. A perusal of this report would show that no blood or semen was detected in the vaginal slide and vaginal swab of the victim. The blood was also not detected in the pregnancy kit. The MLC does not show that the victim was subjected to sexual assault.

32. It is true that injury is not a *sine qua non* whether rape has been committed but this question has to be decided on the factual matrix of each case, where allegation of rape by many persons but no injury is noticed, certainly is an important factor and if the victim version is credible, then no corroboration is necessary, but if the victim version is not credible, then there would be need for corroboration.

33. Having gone through the medical report, the same also does not corroborate in any manner the version put-forth by the victim.

34. At this stage, one would now have to refer to the version put-forth by the victim regarding the uploading of the obscene photographs. PW 25 HC Rajesh Kumar stated that he received the case property and SFSL report Ext. PX. The report shows that neither any obscene video nor any obscene photographs of the persons having face similar to the persons shown in photographs marked as C1 to C4 i.e. the respondents herein could be found in the data extracted from the memory card. Neither obscene video nor obscene photographs were found in the data extracted from the Sim card mark S1 to S6. It is also mentioned that it could not be possible to extract data from the mobile phone mark as Ext.2 to Ext.6 due to absence of data basis. Therefore, this report also does not show that respondents were present there at the time of occurrence or had uploaded the photographs of the victim, as is alleged by her.

35. Adverting now to the most important question regarding lodging of the FIR belatedly, it is urged on behalf of the respondents that FIR in the present case has been lodged at a very belated stage i.e. 05.05.2016 i.e. after eight months of the alleged incident, which took place in September, 2015.

36. In our considered view, the delay has to be considered in the back ground of the facts and circumstances

of each case and is a matter of appreciation of evidence. It is well settled that the delay in registering FIR cannot by itself be a ground to doubt the case of the prosecution.

37. In cases of delay, the Courts are required to examine the evidence with a close scrutiny and in doing so; the contents of the FIR should also be scrutinized more carefully. If Court finds that there is no indication of fabrication or it has not been concocted or engineered to implicate innocent persons then, even if there is a delay in lodging the FIR, the case of the prosecution cannot be dismissed merely on that ground. The disinclination to inform the family or report the matter to the police might be due to apprehension and attitude of the society towards the victim. Therefore, the delay in lodging the complaint in such cases does not necessarily indicate that her version is false.

38. In the instant case, the victim is alleged to have been sexually assaulted in September, 2015 and lodged the complaint only in May, 2016 that too on the pretext that when she came to know that her obscene video/photographs were being uploaded on the Whatsapp, which allegations ultimately have been found to be false.

39. In such circumstances, inordinate and unexplained delay in registering the FIR casts cloud of suspicion regarding

the credibility of the prosecution story when read with the testimony of the victim, medical evidence and all other evidence led by the prosecution. The inordinate delay in registration of FIR and the time and opportunities which the victim had, to report the matter to the police or any other person by raising an alarm when she was forced to undergo the trauma of rape is unexplainable.

40. It is here that the requirement of the testimony of the victim being credit worthy to be termed as sterling witness whose version can be accepted without corroboration steps in. It is here that the version of the victim on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the Court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged.

41. In this background, it shall be fruitful to refer to the following observations of the Hon'ble Supreme Court in **Rai Sandeep @ Deepu vs. State (NCT of Delhi) (2012) 8 SCC 21:-**

15. Keeping the above basic features of the offence alleged against the appellants in mind, when we make reference to the evidence of the so called 'sterling witness' of the prosecution, namely, the prosecutrix, according to her version in the chief examination when the persons who knocked at the door, were enquired they claimed that they were from the crime branch which was not mentioned in the FIR. She further deposed that they made a statement that they had come there to commit theft and that they snatched the chain which she was wearing and also the watch from Jitender (PW-11). While in the complaint, the accused alleged to have stealthily taken the gold chain and wrist watch which were lying near the T.V. It was further alleged that the appellant in Criminal Appeal No.2486 of 2009 was having a knife in his hand which statement was not found in the complaint. After referring to the alleged forcible intercourse by both the appellants she stated that she cleaned herself with the red colour socks which was taken into possession under Exhibit PW-4/B in the hospital, whereas, Exhibit PW- 4/B states that the recovery was at the place of occurrence. The police stated to have apprehended the appellants at the instance of Jitender (PW-11) who knew the appellant in Criminal Appeal No.2486 of 2009 even prior to the incident, that Jitender (PW-11) also revealed the name of the said accused to her and that, therefore, she was able to name him in her complaint. When the seized watch was shown to her in the Court, the brand name of which was OMEX, she stated that the said watch was not worn by her nephew Jitender (PW-11) as it was stated to be 'TITAN' and the chain was a gold chain having no pendant. She made it clear that that was not the chain which she was wearing and that it did not belong to her and that the watch found in the same parcel which was a

women's watch was not the one which was worn by Jitender (PW-11).

High Court of H.P.

15. In our considered opinion, the 'sterling witness' should be of a very high quality and caliber whose version should, therefore, be unassailable. The Court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the Court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as, the sequence of it. Such a version should have co-relation with each and everyone of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other similar such tests to be applied, it can be held that such a witness can be called as a 'sterling witness' whose version can be accepted by the Court without any

corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should match the said version in material particulars in order to enable the Court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged.

42. The credit worthiness of the testimony of the victim has already been discussed in the earlier part of the judgment. The victim when put to test as laid down in **Rai Sandeep Deepu case (supra)**, fails the test of being sterling witness of a high quality and calibre whose version should therefore be unassailable and such quality should be in a position to accept it on face value without any hesitation.

43. Not only is the case set up by prosecution suspect but even the contradiction, improvement and embellishments are so significant, which cannot be ignored. Moreso, the statement of the victim neither stood corroborated from medical evidence nor from any other material on record and even the story regarding uploading of photographs belies her claim.

44. There is no doubt that rape causes great distress and humiliation to the victim of rape but at the same time false allegation of committing a rape also causes humiliation and damage to the accused. An accused has also rights which

are to be protected and the possibility of false implication has to be ruled out.

45. Here it shall be apt to refer to the judgment of the Hon'ble Supreme Court in **Radhu vs. State of Madhya Pradesh (2007) 12 SCC 57**, wherein it was observed as under:-

"The courts should, at the same time, bear in mind that false charges of rape are not uncommon. There have also been rare instances where a person has persuaded a gullible or obedient daughter to make a false charge of a rape either to take revenge or extort money or to get rid of financial liability. Whether there was rape or not would depend ultimately on the facts and circumstances of each case."

46. [In Raju v. State of Madhya Pradesh \(2008\) 15 SCC 133](#), the Hon'ble Supreme Court has held that testimony of the victim of a rape cannot be presumed to be a gospel truth and observed that false allegations of rape can cause equal distress, humiliation and damage to the accused as well, such sentiments have been recorded in para 11 of the judgment, which reads as under:-

"11. It cannot be lost sight of that rape causes the greatest distress and humiliation to the victim but at the same time a false allegation of rape can cause equal distress, humiliation and damage to the accused as well. The accused must also be protected against the possibility of false implication, particularly where a large number of accused are involved. It must, further,

be borne in mind that the broad principle is that an injured witness was present at the time when the incident happened and that ordinarily such a witness would not tell a lie as to the actual assailants, but there is no presumption or any basis for assuming that the statement of such a witness is always correct or without any embellishment or exaggeration."

47. In **Abbas Ahmed Choudhary Vs. State of Assam : (2010) 12 SCC 115**, the Hon'ble Supreme Court has held that:

"We are conscious of the fact that in a matter of rape, the statement of the prosecutrix must be given primary consideration, but, at the same time, the broad principle that the prosecution has to prove its case beyond reasonable doubt applies equally to a case of rape and there can be no presumption that a prosecutrix would always tell the entire story truthfully."

48. Bearing in mind the aforesaid exposition of law, the testimony of victim has to be consistent and natural in line with the case of the prosecution and free from infirmities which inspire confidence in the Court. It cannot be presumed that the statement of the victim is always true or without any embellishment.

49. Reverting back to the facts of the instant case, we find that the testimony of the victim is not natural and consistent with the case of the prosecution as her version has

no correlation and does not find corroboration with other material being medical, scientific and expert evidence.

50. Having considered the entire case of the prosecution thoroughly and in its right perspective, we are of the firm view that if the evidence of the victim is read and considered in totality of the circumstances along with the other evidence on record on the basis of which the offence is alleged to have been committed, then her deposition does not inspire confidence and was otherwise required to be corroborated with other evidence on record. Moreover, the view taken by the learned trial Court is reasonable and plausible where the evidence has been considered in its right perspective and there is palpably no misreading of the evidence.

51. In view of the aforesaid discussion, we are satisfied that the prosecution has failed to prove its case beyond reasonable doubt and the learned trial Court committed no error in acquitting the accused/respondents.

52. Accordingly, the appeal is dismissed, so also pending applications, if any.

(Tarlok Singh Chauhan)
Judge

(Ranjan Sharma)
Judge

01.09.2023
(sanjeev)