

THE HON'BLE SRI JUSTICE RAJA ELANGO

CRIMINAL APPEAL No.794 OF 2016

JUDGMENT:

This Criminal Appeal is preferred by the appellant/complainant against the Judgment dated 17.05.2016 passed in S.C.No.191 of 2012 by the Court of the Assistant Sessions Judge, Vikarabad, Ranga Reddy District, whereby the learned Judge acquitted the accused for the offences under Sections 376 and 506 IPC.

The case of the prosecution is that when the complainant went to outskirts of the village to attend calls of nature, the accused (her own younger brother in law), who is already present there, came to her, caught hold her, tied her both legs with her own sari end, gagged her mouth by putting a cloth, took her to Vikarabad in his own auto and from there he took her to Jiyaguda, Hyderabad, in RTC bus, where he wrongfully confined her in a room for two days and forcibly committed rape on her without her consent. Later, he said her to kill her husband by administering any poison and he will get her married and he also threatened her that if she inform about the incident to anybody, he will kill her and left her on the road. On 13.12.2011, she lodged complaint and the same is registered as crime No.322 of 2011 for the offences under Sections 366, 343, 376 and 506 IPC and after completion of the investigation, charge sheet is filed.

Heard and perused the records.

To substantiate the case of the prosecution, P.Ws.1 to 11 were examined and Exs.P.1 to P.15 and M.O.1 were marked. No oral or documentary evidence was adduced on behalf of defence.

The trial Court, after careful examination of evidence, acquitted the accused. Aggrieved over the same, the complainant filed the present criminal appeal.

The Court below rightly came to the conclusion that as per the evidence of P.W.11, who is the owner of the house at Hyderabad, where the accused and the victim stayed in her house, P.W.1/victim is a consenting party and she accompanied along with the accused in Hyderabad and other places. Further, it is rightly observed by the Court below that if P.W.1/victim is not a consenting party, she would have raised cries and shoutings, that she is not a minor and she is not a small kid to be in the fear of accused, that she did not try to escape in her entire journey from Vikarabad to Hyderabad and also for Jiyaguda, where she was in the room with the accused for two days and as such, the entire story of P.W.1/victim cannot be believed.

The reasons given by the Court below for acquitting the accused for the offences under Sections 376 and 506 IPC are in accordance with law and needs no interference by this Court. The criminal appeal fails and is liable to be dismissed.

The Criminal Appeal is accordingly dismissed. Miscellaneous applications, if any pending in this appeal, shall stand dismissed.

JUSTICE RAJA ELANGO

29.09.2016
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