
Somaru Singh And Ors Vs State Of Madhya Pradesh And Ors

Criminal Appeal No. 336, 337, 338 Of 1999

Court: Chhattisgarh High Court

Date of Decision: Nov. 20, 2019

Acts Referred:

Indian Penal Code, 1860 " Section 342, 376(1), 376(2)(g), 506#Code Of Criminal Procedure, 1973 " Section 437A

Hon'ble Judges: Ram Prasanna Sharma, J

Bench: Single Bench

Advocate: Savita Tiwari, Aman Kesharwani

Final Decision: Partly Allowed

Judgement

CONVICTION,SENTENCE

Appellant Somaru Singh in CRA No. 338 of
1999

under Sections 342, 376 (2)(g) and 506 of
IPC.", "RI for one year, RI for ten years and to
pay fine of Rs.1000/- and RI for one year
respectively with default stipulations.

Appellant Jaiprakash Singh in CRA No. 336 of
1999

under Sections 342 and 376 (2)
(g) of IPC.", "RI for one year and RI for ten years and
to pay fine of Rs.1000/- respectively with
default stipulations.

Appellant Ramdhani in CRA No. 337 of 1999

under Sections 342 and 376 (2)

(g) of IPC.", "RI for one year and RI for ten years and

to pay fine of Rs.1000/- respectively with

default stipulations

not acceptable. There is nothing on record to say that the appellant Somaru Singh has been falsely roped with charges. Looking to the entire evidence,

it is established that appellant Somaru Singh committed rape on prosecutrix and the act of Somaru Singh falls within mischief of Section 376 (1) of the,

IPC and his conviction is modified for offence under Section 376 (1) of IPC. Prosecutrix has not deposed that the appellant Somaru Singh closed the,

door and confined her, therefore, there is no evidence to establish charge under Section 342 of IPC against appellant Somaru Singh. Again, there is no",

evidence that any threat to kill was given by this appellant to prosecutrix, therefore, charge under Section 506 of IPC is also not established against",

him.,

12. Accordingly, appellant Somaru Singh is acquitted of the charge under Sections 342 and 506 of IPC. So far as appellants Jaiprakash and Ramdhani",

are concerned, evidence of closing of door by Ramdhani is shaky in nature because same is not mentioned in the FIR. Again, there is no evidence that",

Jaiprakash participated in crime in question. Both the appellants Jaiprakash and Ramdhani had no role to play, therefore, charge under Section 342",

and 376(2)(g) of IPC is not established against them.,

13. Accordingly CRA No.336 of 1999 preferred by appellant Jaiprakash Singh and CRA No. 337 of 1999 preferred by appellant Ramdhani are,

allowed. Their conviction and sentence under Sections 342 and 376(2)(g) of the IPC is hereby set aside. They are acquitted from the said charges. It,

is reported that the appellants Jaiprakash Singh and Ramdhani are reported to be on bail. Their bail bonds shall continue for further period of six,

months in view of Section 437-A of the Cr.P.C.,

14. Heard on the point of sentence of appellant Somaru Singh. The trial Court awarded RI for ten years for offence of rape under Section 376 (2)(g),

of IPC which is modified and he is awarded sentence of seven years for offence under Section 376(1) of IPC while fine amount awarded by the trial,

court shall remain in tact.,

15. Accordingly, CRA No. 338 of 1999 preferred by appellant Somaru Singh is partly allowed. The appellant Somaru Singh is reported to be on bail.",

His bail bonds shall stand cancelled. The trial Court will prepare super-session warrant and issue non-bailable warrant against the appellant Somaru,

Singh and after his arrest he be sent to jail for serving out remainder of the sentence. The trial Court to submit its compliance report on or before 15-4-,

2020.,