
(2022) 01 RAJ CK 0053

Rajasthan High Court

Case No: S.B. Criminal Appeal No. 224 Of 2021

Laxman Singh

APPELLANT

Vs

State And Others

RESPONDENT

Date of Decision: Jan. 25, 2022

Acts Referred:

- Scheduled Caste And Scheduled Tribe (Prevention Of Atrocities) Act, 1989 - Section 3(1)(W)(I), 3(2)(v), 14A(2)
- Indian Penal Code, 1860 - Section 376
- Code Of Criminal Procedure, 1973 - Section 161, 164, 439

Hon'ble Judges: Vinit Kumar Mathur, J

Bench: Single Bench

Advocate: Dinesh Vishnoi, Mukesh Trivedi, Gheesaram Choudhary

Final Decision: Dismissed

Judgement

Vinit Kumar Mathur, J

Lawyers are not physically appearing in the Court in view of the unprecedented situation being faced by the country due to pandemic of novel corona

virus (COVID-19).

The instant appeal has been filed under Section 14A(2) SC/ST (Prevention of Atrocities) Act on behalf of the appellant, who is in custody in

connection with FIR No. 175/2020, Police Station Borunda, District Jodhpur for the offences under Sections 376 IPC I.P.C. and Section 3(1)(W)(I),

3(2)(v) of the SC/ST (Prevention of Atrocities) Act against the order dated 19/02/2021 passed by the Special Judge, SC/ST (Prevention of Atrocities)

Cases, Jodhpur Metro, whereby, the bail application preferred under Section 439 Cr.P.C. on behalf of the appellant was rejected.

Heard. Perused the material available on record.

Learned counsel for the appellant submits that the FIR has been lodged after a delay of three days. The prosecutrix is 25 years old lady and at the

time of incident, the husband of the prosecutrix was in the nearby area, therefore, it is impossible for anybody to commit rape upon the body of

Mst. . Charge sheet in the case has been filed. Learned counsel for the appellant submits that even as per the medical report, there is no

injury on the body of the prosecutrix and there is no sign of violent intercourse.

Learned public prosecutor as well as learned counsel for the complainant vehemently opposed the appeal.

I have considered the submissions made at the Bar and I have gone through the statements of Mst. recorded under Sections 161 and 164

of CrPC wherein she has categorically stated that she knows the appellant on account of the fact that the appellant was involved in the construction of

the wall of her agriculture field and, therefore, he has visited the house of the prosecutrix and taking liberty, he has committed rape upon her body.

The statements of Prosecutrix Mst. clearly and categorically show that the appellant has committed rape upon the body of

Mst. .

Having regard to the facts and circumstances of the case and looking to the nature of accusation and gravity of the offence and since there is specific

allegation of rape against the present appellant by the prosecutrix in her statements recorded under Section 161 and 164 CrPC, without expressing any

opinion on the merits of the case, I am not inclined to grant appeal filed under Section 14-A(2) of Schedule Castes and Scheduled Tribes (Prevention

of Atrocities) Act, 1989. Accordingly the present appeal is dismissed.