

Court No. - 67

Case :- CRIMINAL APPEAL U/S 372 CR.P.C. No. - 529 of 2023

Appellant :- Satendra Kumar

Respondent :- State of U.P. and Another

Counsel for Appellant :- Praveen Kumar Srivastava, Arvind Kumar Sahu

Counsel for Respondent :- G.A.

Hon'ble Rahul Chaturvedi, J.

Hon'ble Mohd. Azhar Husain Idrisi, J.

Heard learned counsel for the appellant and learned A.G.A. for the State.

This criminal appeal has been preferred against the impugned judgment and order of conviction dated 30.08.2023 passed by learned Special Judge POCSO Act/Additional Sessions Judge, Sambhal whereby while deciding the Sessions Trial No.09 of 2020 (State of U.P. Vs. Surajpal) arising out of Crime No.542 of 2019, under Sections 376 IPC and 3/4 Protection of Children from Sexual Offences Act, Police Station Rajpura, District Sambhal, learned Additional Sessions Judge acquitted the appellant.

We have perused the impugned judgment under challenge. From the judgment that there is no plausible justification coming forward for lodging of the F.I.R. after one month of the incident. As a result thereof, no abnormality or injury was perceived by the doctor conducting the medical examination of rape of victim, except her hymen was found old torn and heated. No live or dead spermatozoa were seen by the doctor, naturally, within months time she has taken bath number of times. In front of the doctor PW-6 Sarika Agarwal the victim states that she was subjected to "attempt of rape" upon her by the offenders. Besides, we have carefully gone through para 55 of the judgment whereby the learned trial judge has spelled out the reasoning of acquitting the opposite parties. We have seen those reasoning and we find that the said analysis is perfect and do not warrant any interference from our side.

Accordingly, the appeal is DISMISSED at the admission stage.

Order Date :- 30.10.2023

Rmk.