

HIGH COURT OF TRIPURA
AGARTALA

Crl. A(J) 61/2024

Sri Hemanta Reang

S/o Sri Jatindra Reang of Kurma, Tuisakapara P.S Birganj, District- Gomati, Tripura

.....Appellant

Versus

The State of Tripura

.....Respondent

For the Appellant(s) : Mr. P S Roy, Advocate.

For the Respondent(s) : Mr. Raju Datta, P.P.
Mr. R. Saha, Addl. P.P.

Date of hearing & delivery
of Judgment & Order : **27.01.2026**

Whether fit for reporting : **No**

BEFORE

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE S. DATTA PURKAYASTHA

JUDGMENT(ORAL)

(Dr.T.Amarnath Goud, J)

[1] Heard Mr. P.S. Roy, learned counsel appearing for the appellant.

Also heard Mr. Raju Datta, learned Public Prosecutor, appearing for the respondent-State of Tripura.

[2] The appellant has prayed for the following relief:-

- i) Admit this appeal;*
- ii) Call for the record;*
- iii) Issue notice upon the respondent; and*

After hearing the parties be pleased enough to set aside the impugned Judgment of conviction and sentence dated 21-09-2023 passed by Shri Ashutosh Pandey, Ld. Special Judge, Gomati Judicial District, Udaipur in case No. special 21 of 2021 (POCSO) whereby and where under the appellant has been sentenced to suffer Rigorous Imprisonment for a period of 2(two) years and to pay a fine of Rs.2000/-(Rupees two thousand) for his conviction under section 363 of IPC. In default of payment of the fine he shall suffer further R.I. for two month.

He is also further sentenced to suffer Rigorous Imprisonment for 20(twenty) years and to pay a fine of Rs.10,000/(Rupees Ten Thousand) for his conviction under Section 6 of the protection of Children from Sexual Offence Act, 2012. In default of payment of the fine he shall suffer further R.I for six months.

Both the sentences shall run concurrently."

[3] Facts leading to the present appeal are that, one Smt. Urenti Reang mother of the victim lodged an FIR that on 22.05.2021 at around 6:30 p.m. her daughter aged 14 years, went to catch frogs in the nearby field. As the victim was getting late to return home, the informant along with her husband started searching for her but failed to trace her out. At around 3 a.m. she found unconscious nearby their house. They took her to the house and on query she revealed that one Baidyaram Reang called her to the jungle where four persons already assembled there. Amongst the four persons, the daughter of the informant could recognize two namely, Hemanta Reang and Swadhin Reang and the rest two were unknown to her. There in the jungle, they forcefully committed rape on her. It is stated by the informant that due to engagement in village 'Salishi' delay caused in filing the FIR. On receipt of the written complaint, O/C of Birganj P.S. registered FIR No. 26 of 2021 dated 28.05.2021 under Section 376 D of IPC and Section 6 of POCSO Act and put WSI Mousumi Datta the charge of investigation. The I/O on completion of investigation submitted charge-sheet against the accused persons namely, Hemanta Reang, Baidyaram Reang and Nibendra Reang under Sections 376D of IPC and Section 6 of the POCSO Act. The record reflects that before completion of investigation, accused persons namely, Soushmai Reang and Prakash Reang were found juvenile-in-conflict with law and accordingly, vide orders dated 11.06.2021 and 17.06.2021 respectively

both of them were sent before the Juvenile Justice Board, Gomati, Udaipur for facing separate trial and trial against the accused persons namely, Hemanta Reang and Baidyaram Reang and Nibendra Reang was commenced in the Court of Special Judge, Gomati District.

[4] Mr. P.S Roy, learned counsel appearing for the appellant submitted before this Court that the conviction passed by the learned trial Court is not based on cogent evidence as there is some contradiction in the statements recorded under Section 161 of Cr.P.C and the evidence of the witnesses. He further submitted that P.W-12, Dr. Sabyasachi Nath, Senior Scientific Officer cum Assistant Chemical Engineer, SFSL in his deposition clearly stated that seminal stain/spermatozoa/blood stain of human origin could not be detected in the Exhibits-A1 and A2(A1-Vaginal Swab and A2-Cervical Swab) .

[5] He also contended before this Court that, PW 10, Dr.Mistu Das has not given specific opinion regarding the sexual intercourse or rape upon the victim. The opinion of doctor is contradictory and not clear opinion and the medical evidence did not support the prosecution case. In cross examination, the nature of injuries like scratch mark over back buttocks, chest and abdomen whether fresh or old has not been mentioned. He also stated that P.W 14, Moushumi Datta, the investigating officer in her cross examination stated that the reason for delay was not mentioned in the printed FIR form. Learned counsel has also submitted that the deposition of the alleged eye-witness i.e. PW-1, has not been corroborated with deposition of other witnesses and there was no other eye-witness. Hence, he urges before

this Court to set aside the impugned judgment and order of conviction and sentence dated 19.09.2023 and 21.09.2023 and to allow his appeal.

[6] Per contra, Mr. Raju Datta, learned PP, appearing for the respondent-State opposed the submission of the learned counsel of the appellant and submitted that the judgment and order of conviction and sentence is well-proved. He deposed that as per version of PW-1, the victim girl the alleged crime of rape was done against her. Learned P.P further submitted that the hymen of victim girl was ruptured very previously as per statement of PW 10. To support his argument Mr. Raju Datta, learned P.P placed reliance on a judgment of Hon'ble Apex Court titled as ***Deepak Kumar Sahu versus State of Chhattisgarh*** reported in ***2025 SCC Online SC 1610***. wherein, the Hon'ble Apex Court has categorically stated that when the victim's statement is believable even then no medical evidence is required for attracting Section 376 of IPC. He, therefore prayed before this Court to dismiss the appeal.

[7] Heard and perused the evidence on record.

[8] In course of trial, prosecution has examined as many as 15 witnesses, out of which PW-1, the victim girl in his deposition has categorically stated that about one year back in the evening at around 6:00 p.m. she went to the paddy field to catch frogs. There Hemanta Reang of her neighborhood forcibly took her to nearby jungle where two other persons were present whom she could not recognize. There they committed rape on her. PW 10, the medical officer, in her deposition submitted that she examined the victim with history of sexual assault and on examination found

her hymen was ruptured very previously and had smooth and healed margin indicating previous frequent intercourse. She also found injuries like scratch marked over back buttocks, chest and abdomen and the assault took place while the victim was lying down and the injuries are consistent with the history and thereafter she prepared her report.

[9] Thus, from the entire deposition of the prosecution witnesses, as stated above, it is evident that the testimony of the witnesses is corroborative in nature. Accordingly, this Court placed reliance on the judgment of Hon'ble Apex Court titled as *Deepak Kumar Sahu versus State of Chhattisgarh* reported in **2025 SCC Online SC 1610**. The relevant portion of the above judgment is/are extracted as under:-

"5.5.2. This Court observed that if the evidence of the victim does not suffer from any basic infirmities and the factor of probability does not render it unworthy evidence, the conviction could base solely on the evidence of the prosecutrix. It was further observed that as a general rule there is no reason to insist on the corroboration except in certain cases, it was stated.

5.5.6. The credible and reliable evidence of prosecutrix could not be Jettisoned for want of corroboration including the corroboration by medical report or evidence. The Court observed in Manga Singh (supra) that "in absence of injury on the private part of the prosecutrix, it cannot be concluded that the incident had not taken place or the sexual Intercourse was committed with the consent of the prosecutrix". It was stated that it is well settled that in the cases of rape it is not always necessary that external injury is to be found on the body of the victim.

6.2. The crux of the incident, of accused overpowering the victim and committing forcible act by forcing her to the bed, could be clearly established from the totality of evidence adduced by the prosecution. Merely because the medical evidence was less corroborative and less supportive or absent in details or indicative of no external injuries. It in no way weakened the prosecution case. Sole testimony of the victim was a strong evidence to rely on along with available attendant evidence."

[10] Though learned counsel for the appellant pointed out certain inconsistencies/contradictions in the evidence let in by the prosecution, they being minor in nature, cannot be considered as remissness in the investigation enabling the appellant's acquittal when the presence and act of the appellant

was well proved through the prosecution witnesses, more particularly, PWs 1, and 10 and also through the medical papers.

[11] In fine, taking into consideration all these circumstances cumulatively, we find that the trial Court was justified in arriving at the conclusion that it was the accused-appellant who committed the crime in question. Hence, we find no reason to disturb with the judgment and order of conviction and sentence dated 19.09.2023 and 21.09.2023 respectively passed by the learned trial Court. Hence, the appeal stands dismissed. Consequently, the finding of conviction and sentence as returned by the learned trial Court is confirmed.

[12] As a sequel, miscellaneous application(s), pending if any, shall stand closed.

S.DATTA PURKAYASTHA,J DR.T. AMARNATH GOUD,J

Paritosh

SABYAS
ACHI
GHOSH

Digitally signed
by SABYASACHI
GHOSH
Date: 2026.01.30
11:27:31 +05'30'