



2026:AHC:196147

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 666 of 1985

Bhagwat

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	:	Amar Saran, Sikandar B. Kochar
Counsel for Respondent(s)	:	A.G.A.

Judgment reserved on 18.8.2026.
Judgment delivered on 18.9.2026.

Court No. - 90

HON'BLE ABDUL SHAHID, J.

1. Heard Sri Sikandar B.Kochar, learned counsel for the appellant and the learned AGA, Sri Rajesh Singh appearing for the State.
2. The present criminal appeal has been filed against the judgment and order dated 12.3.1985, passed by learned IVth Addl. Sessions Judge, Mathura in Sessions Trial No. 386 of 1984, convicting and sentencing the appellant under Section 376 IPC to undergo RI for ten years.
3. The victim is of nine years. It is mentioned in the FIR as ten years. In the X-ray of the victim, she is assessed as nine years of age and the accused is of 30 years. The incident is dated 5.8.1984 at 10.00 am. The FIR has been registered on 6.8.1984 at 11.20 am. The sentence of ten years has been awarded to the appellant-Bhagwat.
4. Learned counsel for the appellant has submitted that the appellant has not committed any offence and the prosecution has failed to prove its case beyond reasonable doubt against the appellant. He has relied on the medical examination of the victim, Ext. Ka-4. The doctor has not been produced. There is no name of doctor is mentioned in the charge sheet. The address is filled in Hindi in the medical examination. There is no mark of injury in Ext. Ka-4. The age of the victim is 9 years, who is a child witness and she can be easily tutored. There has been no opportunity provided to the accused to cross-examine the doctor, which caused him

prejudice. There has been no cross-examination with him. The name of Bhagwat/appellant is at the instance of father and Bhabhi of the victim. There is discrepancy about clothes of the victim in the statement of PW-2 and PW-3.

5. Learned counsel for the appellant has further submitted that PW-4 has stated that the victim has come after five hours. In the statement of PW-4 that the victim was brought by Umrao at 11.30 am. It is stated in the statement of PW-4 that Lalo did not talk with her father-in-law, whereas in the FIR, it is mentioned that it is narrated by Lalo. The IO PW-5 has stated that he has recorded the statement of Lalo on 1.10.1984 and the charge sheet was filed on 2.10.1984. The Dr. K.K., who has medically examined the victim firstly, he refused to record his statement. Dr. PW-5, who has conducted the medical examination of the victim, she provided injection of compose for medical examination of the victim without consent of her guardian. He has submitted that there appears to be a serious contradiction in the prosecution story. The judgement and order, passed by the learned trial court is liable to be set aside and the appeal is entitled to be allowed.

6. On the other hand, Sri Rajesh Singh, learned AGA has submitted that there is no valid reason to falsely implicate the innocent person in such a heinous offence of rape and it is not possible that the prosecutrix would exonerate the real culprit and falsely implicate the innocent person. He further submitted that the victim is a minor aged about 9 years and she has specifically recorded her statement against the accused. The other witnesses have also supported the prosecution story. The ocular evidence and medical evidence are corroborated to each other. Therefore, the impugned judgment and order is liable to be upheld and the criminal appeal is liable to be dismissed.

7. The check FIR Ext. ka-1 has been registered on 6.8.1984 at 11.20 hours on the verbal information of the complainant. It is verified by the scribe of the check FIR. The incident is dated 5.8.1984 at 10.00 am in the day. The FIR has been registered under Section 376 IPC against the appellant/accused.

8. The medical examination of the victim took place at Women Hospital, District Mathura on 6.8.1984 at 3.30 pm. The victim was brought by Police Constable, Sri Krishna-931 posted at police station Sadabad, district Mathura. The medical report is verified as Ext. Ka-4.

9. As per medical examination of the victim, she has suffered following injuries:

"Examination of genitalia Vaginal tear alongwith perennial tear seen, vaginal alongwith vulva stained dry blood. She is not cooperative for internal examination, so I .. sick tap glow inj. given. tear seen expending inside upto approx. 2 cm of vaginal mucosa. Pericles muscles seen skin of perineum also teared off extending upto anterior sphincter of rectum, anterior wall of rectum also visualized, fecal matter seen at sphincter area (lower and of tear) under (sic). tear repaired in three layers. Anterior specifiable ligated medially skin of penis approx 2" in length phtched catgut three stitches. On skin given. due to tear, hymen margin, hymen not seen. Vagina admits easily 2 fingers, bleeding fresh also present, dry clots at the time of examination. After stitches, bleeding checked. Pt. admitted for care of stitch. Before giving stitches, vaginal smear taken and for evidence of sperms and spermotic fluid evidence. She also gives the history that she has taken bath and has wash the genitals after incidence, also washed the undergarment at home, which was wearing at the time of incidence as stated by her so it is not sealed. Girl to be sent for X-ray for age verification."

10. As per medical examination of the victim, Ext. Ka-4, she has suffered serious injuries. In her internal examination, in her private part, the blood was also found of oozing. Nature of injury was much serious that she has been admitted in the Hospital for care of stitches.

11. The supplementary report has been submitted on the basis of X-ray of wrists and elbow which is Ext. Ka-5 dated 9.8.1981. On the basis of X-ray report of the victim, her age was determined as about 9 years. It has been specifically concluded by the Medical Officer that rape has been committed.

12. The charge sheet has been filed against the appellant/accused by the Investigating Officer after complete investigation of the case.

13. The basic prosecution case has began on the basis of complaint lodged by the complainant, who is father of the victim. The complainant has stated in the FIR that on 05.08.1984, I went to the market in the morning for labour work. I came back home in the evening. Dr. K.K. told me that at about 10:00 a.m., my daughter, aged about 10 years, was called by Bhagwat, son of Khajan Singh, to his house on the pretext of taking her to the brick kiln. He caught my daughter's hand and forcibly did bad act with her through her private part. After doing this, he took her out of his house and left her in the crossing (chowk). On hearing her cries, Umrao, son of Karan Singh Kachhi, picked her up and brought her for treatment. After giving her medicines, she was sent to my house. Her clothes were washed by mistake by her sister-in-law, Lalo, wife of Prem Chand. When I reached home, my daughter/victim and her sister-in-law, Lalo also told me about the incident while crying. As it was late at night, I came in the morning with my daughter to lodge the report. Whatever I said was written in the report. The report was read over to me, and I heard and understood it. I put my thumb impression on it. On the basis of said complaint, the FIR has been registered.

14. PW-1, complainant/father of the victim has deposed his statement. He has specifically stated before the learned trial court on 15.2.1985 that I know Bhagwat, who is accused present in Court. He is resident of my village. His house is adjoining to my house. I am doing the work of Palledari in village Pisawar. I used to leave my house every day at 8.00 am for the same. He stated that it was a few days before last Rakshabandhan. On the day of the incident, he had gone out of the house for palledari. That same day, around 4 pm, when I returned home from palledari, I met the Dr. K.K. on the way and he told me that an incident had happened with your girl. The doctor had told me the name of the girl/victim. The victim is my daughter, whose age was about 9 year. The doctor also told me that the said girl was brought to me by a person named Umrao and that doctor had given capsules, tablets and injected the said victim. Then I reached my home. At home, my daughter-in-law, who is wife of my son Prem Chand told me the whole story. Then my daughter/victim also told me the whole story. By that time, it was almost 8 pm. It was night, so at that time I had not went to lodge report of the

incident. On the next day, around 8-10 am, I went to the police station with my daughter and the incident was reported there. The original report was read over to me.

15. The report which I had written was read out to me by Diwanji. After listening to it, I had put my thumb impression on it. Whatever I had said, the same was written by Diwanji. When the original report was read out to the witness, the witness, after listening to it, said that this is the report which I had written and I had put my thumb impression on it. He has verified the report as Ext. Ka-1.

16. In the cross-examination, he stated that I did not do any other work except Palledari. I, did not visit the house of the accused Bhagwat. My family members had no contact with the accused. It is belied to state that I needed money. It is also belied to state that I had asked some money as debt from Bhagwat. It is also belied to state that there was some altercation took place between us and talk prior to the occurrence. There is no other person in my village, who is of the same parentage as me or the accused Bhagwat. He has stated that the accused person has submitted an application against me with the S.P. He himself stated that it was rejected. This application was given prior to one month from the date of incident. It is belied to state that due to that enmity, I have registered a false report against him. He further stated that the place where I work as palledari is about a furlong away from my home. I came to know about committing of bad act with the girl by evening. I had not come to know about it before that. Other than Lalo, no one else told me that anything bad had happened to the girl. When I arrived home, I was met by my children, nephews, and about 5-6 men from my village. I had been in the market whole day on the day of the incident. The police station is 5-6 'kos' (one Kos is approximately 3-3.2 km) away from my house. I reached home at 4:00 PM. I could not file report at the police station that day because it was too late. On that same night, these people came to beat me. They came around 8:00 PM. I did not leave until very early the next morning because I could not get a vehicle before 8:00 AM.

17. He has further stated that the police officer took my statement at the police station. I told him about the assault that night and wrote it down in

the report. However, since the statement is not recorded in the report, I cannot give any explanation for it. The doctor had told me about the incident before that no one else had told it. I had written in my report that the wife of my son had told about the incident. I had asked my family why they had not called me, they told that they had searched me, but could not find. He has further stated that the inspector had asked me about clothes of the victim, then I had told that due to no proper knowledge, it has been washed. When I got registered the report, at that time, the Inspector had asked me about clothes.

18. It is held by the Supreme Court in **Manoj @ Bhanu and others Vs. State of Maharashtra; 1999(1) A. Cr. R. 910(SC)** that FIR under Section 154 Cr.P.C, 1973, need not be encyclopedia of evidence, what is required to be stated, it is basic prosecution case.

19. The Supreme Court in **Ram Das and other Vs. State of Maharashtra; 2007 (1) SCC (Crl) 546**, dealt with regarding delay in FIR under Section 154 Cr.P.C, 1973. If there is delay in filing the FIR- effect of delay in registration of FIR, it is held that though mere delay in lodging of report may not be itself fatal to the case of the prosecution, but the delay has to be considered in the background of the facts and circumstances in each case and in a matter of appreciation of evidence by the Court of fact. If there is satisfactory explanation, it may be considered.

20. Here the delay, if any, in filing the FIR that has been properly explained by the complainant. The distance between his house and the police station is far away. He is an uneducated person and night was occurred, hence early in the morning when he got availability of vehicle, he went to the police station and got registered the FIR.

21. **PW-2 is the victim.** Her statement was recorded before the learned trial court on 15.2.1985. She has been assessed about her mental faculty to understand nature of her statement. She has stated that I understand the difference between false and correct. I know that telling a lie is a sin and telling the truth is good. I will tell the truth. Learned trial court found her fit to record her evidence.

22. She has stated in her examination-in- chief that the incident took place

a few days before Raksha Bandhan. It was morning time. I was playing in the open courtyard. The accused Bhagwat, present in court, told me, that "Buttermilk" (Mattha) has been kept for many days. Drink it." I went with him to his house to drink buttermilk. After taking me to his house, the accused threw me down on the ground. He broke the string/nara of my pyjama and committed bad act with me. When the witness was repeatedly asked what she meant by "bad act", she felt shy, lowered her head and could not speak properly. She further stated that I had pain because of the bad act. Blood came from my private part and I had pain. I cried and shouted. After doing the bad act with me, the accused thrown me outside of his house at crossing (chowk). Then Umrao came there. He took me to Dr. K.K. The doctor gave me medicines and tablets and also gave me an injection. From there, I came home. I told Dr. K.K. about the incident. After coming home, I told everything to my sister-in-law Lalo. The clothes which we worn to myself that has been washed by my bhabhi. In the evening, my father Punni, came home. I also told him entire incident. On the next day, my father took me to the police station. Then I was taken to Mathura, where I was medically examined.

23. In her cross-examination, the victim has specifically identified Bhagwat, who is present in Court and his father's name is Madho. His mother has died. He has two sisters, Vinesh and Kamlesh, and several brothers. All of them live separately. Bhagwat lives in his own house with his wife. His brothers reside in other houses. The house where Bhagwat took me has houses on both sides, and people live in those houses. I was consistently screaming for all times till the accused Bhagwat has committed bad act with myself. There is a door in Bhagwat's house. The place where he did the bad act with me was about three steps away from that door. There is a room of Khajan next to that place and a room of Raghuvir near it. There is also a house of Phooli next to it. All these persons are married and have children. They were present in the village on the day of the incident. After doing the bad act, Bhagwat carried me in his lap and pull myself to crossing (chowk). This crossing was about 100–50 steps away from Bhagwat's house. I sat there and kept crying. Some children came to me first. Then Umrao came. I did not talk to Umrao. He took me to Dr. K.K. I was taken to Dr. K.K. immediately after

the incident. It is correct that I did not tell the name of anyone at the doctor's place. It took a long time at the doctor's place. The place where my father worked as a labour was far away from clinic of Dr. K.K. When I reached home, my sister-in-law and the niece of my aunt were met me there. My father came home shortly just after I reached home. At first, I did not tell my father anyone's name. My father told me that this act has been committed by Bhagwat, even then I did not speak. After asking of my father, I had asked to my bhabhi. My bhabhi had also told that this act has been committed by Bhagwat. I had remain silent. My bhabhi and my father have convinced. On the next day, when I had went to police station, then my bhabhi and my father had told that whatever act has been committed with you, you told to him. My father only went to myself to the police station. When we reached to the police station, it was noon time. The inspector has enquired me at the police station. I had not suffered any injury on my body. Bhagwat has consistently committed bad act with myself for long time. The 'nara' which was broken by him that was left in the house of accused. When I had been left at crossing, I was completely 'naked'. My pajama had been concealed by Bhagwat. It is belied to state that due to tutoring, I am recording evidence against accused. Bhagwat never used to visit to my house. I used to visit his house.

24. **PW-3-Umrao** has recorded his statement before the learned trial court on 20.2.1985. He has stated it was a few days before Raksha Bandhan. It was about 10:30 in the morning. I was going from my house to the watertap near the road. Some children were playing there. I heard them saying, "What happened to the girl". After hearing this, I went there. It was the open area in front of Bhagwat's house. The victim was lying there and crying. The victim is the daughter of Punni. She was lying in front of the house of Bhagwat, the accused present in the Court. Her underwear was covered with blood. By underwear, I mean her 'pyjama'. I took her to Dr. K.K. The doctor gave her medicine and gave her an injection. After that, I brought her to her house and handed her over to his sister-in-law, Lalo.

25. The opportunity to cross-examination was provided, but he refused to cross-examine. Hence, this is an eye witness, who has firstly saw the

victim in injured condition at the crossing (chowk) and took her to Dr. K.K. for her medical examination and thereafter took her to her home and provided her to her bhabhi.

26. **PW-4-Smt. Lalo**, who is the 'bhabhi' of the victim. Her statement was recorded before the learned trial court on 20.2.1985. She has stated that the incident is few days of last Rakshabandhan. When I was cooking food at my home, then children came. It was around 11:30 in the morning. Umrao came home with my nanad/sister-in-law/victim. I asked the victim about the incident and she told me everything and told me about the rape. The underwar of the victim was completely blood stained. The undergarment was of completely to legs i.e. it was pajama, which I called underwear/Jhanghia. I had washed that undergarment and provided her another pajama. Said pajama which was washed by myself that has been washed due to ignorance. In the evening, my father-in-law, Punni, came home and the victim also told him everything.

27. In the cross-examination, she has stated that the girl came to me at 11:30. At that time, besides me, my maternal aunt and sister-in-law were also at home. At 5.00 p.m. in the evening I had washed the clothes, I had washed a 'jhanghia' and a shirt. We had consistently weeping, hence I washed them at 5.00 pm. 2-4 minutes after washing the clothes, my father in law came and I did not talk anything to my father-in-law. I maintain a veil from my father-in-law and do not talk to him. The inspector had enquired myself on the second or third day of the incident. It is also possible that the inspector may have taken my statement even after almost one and a half month. I had not gone to the police station.

28. **PW-5, SI, D.D. Agrawal**. His statement was recorded before the learned trial court on 20.2.1985. He stated that on 5-8-1984, I was posted at Sadabad police station and I am still there. In my presence, information regarding this case was received at the police station and the case was registered. The information was given verbally by the complainant, Punni at the police station on 6-8-1984 and on that basis, the case was registered. I had got the investigation of this case and I immediately started the investigation. During the investigation, I recorded the statements of the victim and the complainant, Punni at the police station

itself. After that, I inspected the place of incident, but I had not prepared the site plan on the same day because the complainant and her daughter was not available. On 7-8-84, I reached village Bisawar to arrest the accused, but searched for him but could not find. Then on 8-8-84, neither the accused nor the witnesses were found. Then on 11-8-84 neither the witnesses nor the accused were found and on 12-8-84 the house of the accused was raided, but could not be found. On 13-8-1984 a report was given for action against accused under Section 82/83 Cr.P.C.. On 17-8-1984, I again reached the spot and found witness Umrao there and took his statement. On the pointing out of victim and witness Umrao, site plan was prepared which is Ext. K-2. On 1-10-1984, the statement of Smt. Lalo was taken and after the accused appeared on 2-10-1984, the charge sheet was sent which is written and signed in my hand and is Ext. K-3.

29. In the cross-examination, he has stated that till the statement was recorded, I did not met Lalo. Dr. K.K. refused to give his statement. I do not know whether Dr. K.K. stated in his affidavit that the girl had not told him any name. I do not remember that what objections I had made in the bail matter or what grounds I had taken. On the day of the report, I went to the accused's house, but his brother had run away from the house. I did not find any article connected with the case at the spot. The room of Khajan Singh is near the accused's house. There are also many other houses nearby. I had recorded the statements of Tikam and Gokul. They gave evidence exactly as they had stated earlier. It is belied to state that I had colluded with the complainant and one sided investigated the matter.

30. **PW-6, Smt. Dr. Veena Srivastava** had recorded her statement before the learned trial court on 22.2.1985. She has stated that she was posted as Medical Officer on 6.8.1984 at District Women Hospital, Mathura. On that day, at about 3:30 p.m., I medically examined victim. She was brought by Police Constable, Shri Krishna No. 391, who brought her from Police Station Sadabad. During the medical examination, I found following things:

"The victim was walking with her legs apart and she was having much pain. She was conscious. On examination, I found that there was no

development in her breast. There was no pubic and axillary hair also. On examination of teeth, I found 14 teeth in upper jaw and 13 teeth in lower jaw. On seeing from outside, there was no injury mark on any part of her body.

31. She has further deposed that on her internal examination, she found that her private parts were ruptured. The vagina and vulva were dry and filled with blood. The victim was not cooperative during examination. Therefore, one injection of compose was given to make her unconscious and then her examination was done. The injury was from inside the private parts to outside. It was extended up to the passage of rectum. The valve of rectum was not involved in the injury. But the place of injury was looking torn. Victim was made unconscious and stitches were given at three places. The slightly torn part was stitched. The external injury of private parts was about two inches in length and internal injury was about 2 cm in depth. Due to injury, the margin of hymen was not visible. Two fingers were easily admits inside the vagina. During examination, fresh blood and dried blood also came from the private parts. After putting the stitches, it completely stopped. Victim was admitted in the hospital. Before putting the stitches, vaginal smear was taken from victim for pathological test.

32. She has further stated that at the time of examination, the victim told that she had washed her clothes at home and changed them. She had also taken bath and washed her private parts. Therefore, her clothes were not sealed. The victim was again sent for X-ray. At that time, I prepared the medical examination report. It is before me today. It is in my handwriting and bears my signature. I also attested the thumb impression of the victim. Her identification marks were also mentioned in the report. It was marked as Exhibit Ka-4.

33. She further deposed that after receiving the X-ray report and pathological report of smear, I gave supplementary report on 9.8.1984. It is before me. It is in my handwriting and bears my signature. It was marked as Exhibit Ka-5. On the basis of X-ray report, the age of victim was found about 10 years. I mentioned the same in my report. I also

mentioned the X-ray report and pathological test report in my supplementary report. From the complete examination, I came to the conclusion that victim was raped.

34. In the cross-examination, she has stated that I have not brought bed-ticket. I have not written the conclusion of rape in the first report, because the report of rape is always given in the supplementary report. There is no sperm in the smear test, but blood particles were found. If the vagina is pressed with a blunt wooden object, then the above injury is not likely to occur, because if it pressed with a wooden object, the girl will resist and the person applying the force does not have any idea of the force. These are only two reasons.

35. The statement of the accused/appellant has been recorded under Section 313 Cr.P.C. He has admitted in answer to question No.1 that house of victim is adjoining to your house, he stated 'yes'. To question No.4 that it came in evidence that after committing rape with the victim, the blood was oozed out from her private part and she had suffered pain, he has stated it is wrong. He has stated that it is wrong, when this specific question has been asked with the accused that by your committing rape with the victim, the blood was oozed out from her private part and suffered pain. If he has not committed rape with her, then how he came to know that it is false. He has further stated that the case has been proceeded against him due to enmity, but he did not mention any enmity either with the victim or with her family.

36. The victim is minor aged about nine years and she has suffered serious injury in her private part that has been specifically mentioned in her injury report and the doctor, who had conducted the medical examination has proved them. The nature of the injuries was most serious and severe and that it was not possible to conduct her medical examination without providing her injection of compose. The stitches were done with her in her unconscious condition. It was not possible for the doctor to make mention of injuries suffered by the victim in her private parts due to rape. The doctor has specifically opined age of the victim as 9 years and also opined that rape has been committed with her.

37. The genesis of the prosecution story and the statement recorded, evidence of prosecutrix/victim/minor are corroborating with the medical evidence. It is held by the Supreme Court in **Prabhu Dayal Vs. State of Rajasthan; (2018) 8 SCC 127** that minor discrepancies should not be given undue importance that do not go to the root of the matter. It is held by the Supreme Court in **Mohd. Imran Khan Vs. State Government (NCT of Delhi); (2011) 10, SCC 192** as under:-

"20. The medical report and the deposition of the radiologist cannot predict the exact date of birth, rather it gives an idea with a long margin of 1 to 2 years on either side. In Jaya Mala v. Govt. of J&K, (1982)2 SCC 538, this Court held:

"9.... However, it is notorious and one can take judicial notice that the margin of error in age ascertained by radiological examination is two years on either side." (See also Ram Suresh Singh V. Prabhat Singh(2009)6 SCC 681 and State of U.P. V. Chhotey Lal;(2011) 2 SCC 550.

21. In view of the above as we have seen the original record produced before us, we are of the considered opinion that the prosecutrix was less than 16 years of age on the date of incident."

Wheres, in the present case, the age of the prosecutrix is only nine years. The evidentiary value of the prosecutrix/victim has been discussed in detail. In paragraph nos. 22, 23, 24, 25, 26 and 27 of said judgment of **Mohd. Imran Khan(supra)**, the Supreme Court held as under:

"22. It is a trite law that a woman, who is the victim of sexual assault, is not an accomplice to the crime but is a victim of another person's lust. The prosecutrix stands at a higher pedestal than an injured witness as she suffers from emotional injury. Therefore, her evidence need not be tested with the same amount of suspicion as that of an accomplice. The Evidence Act, 1872 (hereinafter called "the Evidence Act"), nowhere says that her evidence cannot be accepted unless it is corroborated in material particulars. She is undoubtedly competent witness under Section 118 of the Evidence Act and her evidence must receive the same weight as is attached to an injured in cases of physical violence. The same degree of

care and caution must attach in the evaluation of her evidence as in the case of an injured complainant or witness and no more. If the court keeps this in mind and feels satisfied that it can act on the evidence of the prosecutrix, there is no rule of law or practice incorporated in the Evidence Act similar to Illustration (b) to Section 114 which requires it to look for corroboration. If for some reason the court is hesitant to place implicit reliance on the testimony of the prosecutrix it may look for evidence which may lend assurance to her testimony short of corroboration required in the case of an accomplice. If the totality of the circumstances appearing on the record of the case disclose that the prosecutrix does not have a strong motive to falsely involve the person charged, the court should ordinarily have no hesitation in accepting her evidence.

23. The court must be alive to its responsibility and be sensitive while dealing with cases involving sexual molestations. Rape is not merely a physical assault, rather it often distracts the whole personality of the victim. The rapist degrades the very soul of the helpless female and, therefore, the testimony of the prosecutrix must be appreciated in the background of the entire case and in such cases, non-examination even of other witnesses may not be a serious infirmity in the prosecution case, particularly where the witnesses had not seen the commission of the offence. (Vide State of Maharashtra v. Chandraprakash Kewalchand Jain,(1990(1) SCC 550, State of U.P. v. Pappu; 2005(3) SCC 594 and Vijay v. State of M.P.; 2010(8) SCC 191.

24. Thus, the law that emerges on the issue is to the effect that statement of the prosecutrix, If found to be worthy of credence and reliable, requires no corroboration. The court may convict the accused on the sole testimony of the prosecutrix.

25. The trial court came to the conclusion that there was no reason to disbelieve the prosecutrix, as no self-respecting girl would level a false charge of rape against anyone by staking her own honour. The evidence of rape stood fully corroborated by the medical evidence. The MLC of the prosecutrix, Ext. PW-2/A was duly supported by Dr. Reeta Rastogi (PW

2). *This view of the trial court stands fortified by the judgment of this Court in State of Punjab v. Gurmit Singh, (1996) 2 SCC 384 wherein this Court observed that: (see p. 395, para 8).*

"8.... the courts must, while evaluating evidence, remain alive to the fact that in a case of rape, no self-respecting woman would come forward in a court just to make a humiliating statement against her honour such as is involved in the commission of rape on her."

26. *Similarly, in Wahid Khan v. State of M.P.; 2010(2) SCC 9, it has been observed as under: (See p. 13, para 17) .*

"17. It is also a matter of common law that in Indian society any girl or woman would not make such allegations against a person as she is fully aware of the repercussions flowing therefrom. If she is found to be false, she would be looked at by the society with contempt throughout her life. For an unmarried girl, it will be difficult to find a suitable groom. Therefore, unless an offence has really been committed, a girl or a woman would be extremely reluctant even to admit that any such incident had taken place which is likely to reflect on her chastity. She would also be conscious of the danger of being ostracised by the society. It would indeed be difficult for her to survive in Indian society which is, of course, not as forward-looking as the western countries are."

27. *Much reliance has been placed by the learned counsel for the appellants on the judgment of this Court in Javed Javed Masood v. State Rajasthan; (2010) 3 SCC 538, wherein it had been held that in case the prosecution witness makes a statement and is not declared hostile, he is supposed to speak the truth and his statement is to be believed."*

38. *The victim is aged about 9 years and suffered serious and grievous injury in her private part. The orally as well as medically evidence have been corroborated with each other. In view thereof, the prosecution has established this fact that the appellant has committed a heinous offence of rape with the victim aged about 9 years. The case has been proved beyond reasonable doubt. The finding and observations made by the learned trial court are neither perverse nor appeared to be illegal.*

39. In view of all these facts, circumstances and perusal of medical evidence, the judgment and order passed by the learned trial court dated 12.3.1985 is liable to be up-held and it is upheld. The criminal appeal is liable to be dismissed.

40. The **criminal appeal is dismissed**. The appellant, is on bail. He shall surrender forthwith to serve out the remaining period of his sentence as awarded by the learned trial court. His bail bonds is cancelled and sureties stands discharged.

41. Let a copy of this judgment be sent to the learned trial court, who shall complete the necessary formalities. The appellant shall undergo the remaining sentence awarded by the learned trial court. The period of incarceration already undergone by him, if any, shall be adjusted against the sentence in accordance with law.

(Abdul Shahid,J.)

September 18, 2026

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