

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****Criminal Miscellaneous Petition No.1029 of 2015**

State of Chhattisgarh, through Police Station Chandani, District  
Surajpur, Chhattisgarh

**---- Petitioner****versus**

1. Arvind Rajak, S/o Dhaniram, aged about 25 years, R/o Village Siddhikhurd Shivpah, Police Station Baidhan, District Singhrauli
2. Pappu Rajak alias Ramprasad, S/o Jeetlal Rajak, aged about 25 years, R/o Village Siddhikhurd Shivpah, Police Station Baidhan, District Singhrauli

**---- Respondents**


---

For Petitioner/State : Shri Ashok Swarnakar, Panel Lawyer

---

**Hon'ble Shri Navin Sinha, Chief Justice**  
**Hon'ble Shri Justice P. Sam Koshy**

**Order on Board****Per Navin Sinha, Chief Justice****26/11/2015**

1. Heard Learned Counsel for the State.
2. The application seeks leave to appeal against acquittal dated 28.7.2015 by the 1<sup>st</sup> Additional Sessions Judge, Surajpur in Sessions Trial No.32 of 2014 of the charges under Sections 450, 376D and 506 IPC against the Respondents
3. Learned Counsel for the State submits that mere absence of any spermatozoa on the undergarment of the prosecutrix or the Respondents or in the slides was not sufficient by itself to hold falsity of the allegations. In such matters, statement of the prosecutrix is sufficient as held in judicial precedents.
4. We have considered the submissions.

5. No doubt, in matters of sexual offences, statement of the prosecutrix carries weight. But there is no general judicial principle that it must be accepted as a gospel truth under all circumstances. In appropriate cases, corroboration may be sought. In the facts of the present case, medical examination has been done soon after the occurrence. The Trial Judge has rightly held that if PW-2, Sushma, the sister-in-law of the prosecutrix was residing next door, no explanation has been furnished why the prosecutrix did not go and informed her immediately of the assault, but waited till the next morning to do so. Furthermore, the Trial Judge in paragraph 26 of the judgment has adequately discussed that there was a land dispute between the in-laws of the prosecutrix and the Respondents who were related to each other. Two days prior to the present allegations, the Respondents had lodged a criminal case against certain members of the in-laws family, to conclude in the entirety that the allegations were false when corroboration in the medical report was also wanting. We find no reason to interfere.

6. The application for leave to appeal is dismissed.

Sd/-  
**(Navin Sinha)**  
**CHIEF JUSTICE**

Sd/-  
**(P. Sam Koshy)**  
**JUDGE**