

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.430 of 2014

Arising Out of PS. Case No.-196 Year-2012 Thana- MADHEPURA District- Madhepura

1. Ranju Devi W/o Kari Ram
2. Sangyan Devi W/o Lal Bahadur Ram, Both are Resident of Village Bancholaha, P.S. Madhepura Ghailaeh, District Madhepura.

... .. Appellants

Versus

The State of Bihar

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Sharda Nand Mishra, Adv. Mr. Dhananjay Kumar Gupta, Adv.
For the Respondent/s	:	Mr. Sujeet Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL JUDGMENT

Date : 25-09-2019

Appellants Ranju Devi and Sangyan Devi have been found guilty for an offence punishable under section 366A of the I.P.C. and each one has been sentenced to undergo R.I. for four years as well as to pay fine appertaining to Rs.2,000/- and in default thereof, to undergo S.I. for three months, additionally, vide judgment of conviction dated 14.7.2014 and order of sentence dated 18.7.2014 passed by the Addl. Sessions Judge, Adhoc Court No.1, Madhepura in S.Tr.No. 185/2012 arising out of Madhepura (Ghailarh) P.S.Case No. 196/2012.

The informant Arjun Sao (P.W.6), who happens to be the father of the victim (name withheld P.W.7), filed a written report on 3.5.2012 disclosing therein that his daughter, the victim, aged



about 15 years, who was suffering from some sort of illness and for that she was being treated, was also treated by Mahendra Ram who claimed himself to be sorcerer and was residing in the village for the last three months at the place of Lal Bahadur Ram where his Sasural lies. In the aforesaid background, on 25.4.2012 at about 4 P.M. he enticed away the victim. In spite of Prentice search, they could not locate. It has also been alleged that Ranju Devi and Sangyan Devi were actively involved, assisted Mahendra Ram during course of aforesaid activity.

After registration of Madhepura (Ghailarh) P.S. Case No. 196/2012, investigation commenced and as the appellants were apprehended on account thereof, charge sheet was submitted though as is evident, till then neither the victim was traced out nor the accused Mahendra Ram was apprehended whereupon, supplementary charge sheet was submitted later on against Mahendra Ram as a result of which two sessions trial arose. The present one is S.Tr.No. 185/2012 while sessions trial against Mahendra Ram is S.Tr.No. 185A/2012.

Defence case, as is evident from the mode of cross-examination as well as statement recorded under section 313 Cr.P.C. is that of complete denial. It has further been pleaded that merely on suspicion these appellants have been implicated as,



Mahendra Ram happens to be Nandosi of the appellant Sangyan Devi and Ranju Devi is also associated therewith.

It has been submitted at the end of learned counsel for the appellants that both the appellants are lady having adolescent siblings to be cared of. Though, it is evident from the conduct of the victim, she happens to be a consenting party but being minor which would have properly been contradicted marginalized had there been proper cross-examination at the end of the appellants and in the aforesaid background, the case of the appellants needs sympathetic consideration as, appellant Sangyan Devi gone to judicial custody on 8.7.2012 and remained upto 20.8.2014 on which date she has been bailed out by the High Court in the present appeal and in likewise manner, Ranju Devi had also gone to custody on 8.7.2012 but was bailed out by the High Court on 29.1.2014 on which date got released but on the date of pronouncement of judgment, dated 14.7.2014 she was taken to custody and was bailed out on 20.8.2014. It has also been submitted that the appellants have got no criminal antecedent having adolescent siblings requiring proper care and virtually on account of non- cross examination of the victim properly as required, fallen victim thereof and so, the sentence be reduced as already undergone.



Learned Addl. P.P. though controverted the submissions but submitted that from the evidence of the victim (P.W.7) it is evident that these appellants have not accompanied the victim out of village.

In the aforesaid facts and circumstances of the case as well as after going through the evidence more particularly that of the victim P.W.7, the submission having at the end of the appellants appears to be acceptable whereupon, maintaining the conviction, sentence is reduced already undergone. Appellants are on bail, hence are discharged from its liability. In terms thereof, instant appeal is disposed of.

(Aditya Kumar Trivedi, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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