

CRA-S-2887-SB-2011

Date of decision: 17.09.2024

Ramji

....Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Ms. Ishani Goyal, Advocate (Amicus Curiae)
for the appellant

Mr. Rishabh Singla, AAG Punjab

HARPREET SINGH BRAR, J.

1. The present appeal is preferred against the judgment of conviction and order of sentence dated 08.01.2011 passed by the learned Additional Sessions Judge, Ludhiana in FIR No. 48 dated 18.04.2008 registered under Sections 363, 366-A, 354, 376 of IPC at Police Station- Dehlon Ludhiana. The appellant was sentenced as follows:

Offence under Section	Sentence
376 IPC	Rigorous imprisonment for 10 years and a fine of Rs. 2,000/-. Further 2 months S.I. in case of default.
363 IPC	Rigorous imprisonment for 3 years and a fine of Rs. 1,000/-. Further 1 months S.I. in case of default.
354 IPC	Rigorous imprisonment for 1 years and a fine of Rs. 5,00/-. Further 15 days S.I. in case of default.
	Total Fine- Rs.3,500/-

2. Succinctly, the facts are that Jawala Singh lodged the FIR (supra), wherein, it was alleged by him that he had employed the appellant at his farm



land in Ludhiana. The appellant was accompanied by a girl aged about 9 or 10 years old whom he introduced as his daughter. However, the complainant got suspicious that the appellant had kidnapped the said girl and subsequently, inquired about their relationship. It was revealed by the girl (victim) to the complainant that she was not the daughter of the appellant, rather she was procured by him a year back from Patna, Bihar. Thereafter, the appellant tried to flee along with the girl but was apprehended by the complainant with the help of Paramjit Kaur and Saudagar Din. Thereafter, the complainant got his statement recorded on 18.04.2008 before the concerned police which culminated into FIR (supra). Upon completion of investigation, the final police report was filed against the appellant and consequently, charges were framed against him for commission of offence punishable under Section 376, 363, 366A, 354 of IPC to which he pleaded not guilty and claimed trial. During the trial, the prosecution examined as many as 10 witnesses to establish their case whereas, the appellant-accused examined only 1 witness in his defence. Ultimately, the appellant was convicted and sentenced in the manner mentioned above. Aggrieved, he has approached this Court by way of the present appeal.

3. In view thereof, Ms. Ishani Goyal, Advocate (PH-6465-2023 M.No.97282-58074) is appointed as *amicus curiae* in the present case, to assist this Court.

4. Learned State counsel contends that the impugned judgement of conviction as well as the order of sentence has been passed by the learned trial Court after duly appreciating the complete evidence on record. She further submits that the guilt of the appellant has been established well beyond the shadow of reasonable doubt and therefore, no interference is warranted by this Court. However, it is also submitted by her that as per the custody certificate,



the appellant had completed his sentence on 15.04.2017.

5. I have heard the learned State counsel and perused the paper-book with his able assistance. It transpires that in the case at hand, the ocular evidence is in complete consonance with the documentary evidence including the medical evidence. The complainant has stood firm with his version at the time of his examination before the learned trial Court as PW-2 and he also identified the appellant-accused in the Court. The testimony of the complainant has been duly corroborated by PW3- Paramjit Kaur. Above all, the learned trial Court, after finding her to be competent, recorded the statement of the minor victim as PW-8. The minor victim has categorically deposed before the learned trial Court that the appellant had brought her from the custody of her parents without their consent around 1/1 ½ years back and had raped her. Furthermore, as per the medical evidence put forth by Dr. Sandeep Kaur while appearing as PW-1, the age of the victim was less than 12 years at the time of her examination. It was categorically deposed by PW-1 that hymen of the victim was absent, there was redness on the inner surface of labia minora and as per the report qua vaginal swabs sent by her to the Chemical Examiner, spermatozoa was found to be present the contents of the vaginal swabs, *salwar* of the victim and her underwear. In addition, it has been duly established by the prosecution that the appellant made the child victim to massage his naked body.

6. After examining the entire evidence in light of the facts and circumstances of the present, this Court is able to say with certitude that the guilt of the appellant has been established beyond shadow of all reasonable doubt. Therefore, no interference is warranted by this Court apropos the present case.



7. Resultantly, the present appeal is dismissed since it is bereft of any merit.
8. Pending miscellaneous application(s), if any, shall also stand disposed of accordingly.
9. High Court Legal Services Committee is directed to pay the remuneration to the Amicus Curiae as per Rules.

(HARPREET SINGH BRAR)
JUDGE

17.09.2024
Neha

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No