IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 644 of 2019

(*Against the judgment of conviction and order of sentence dated 30.03.2019 passed by learned Additional Sessions Judge-III-cum-Addl. Special Judge (POCSO Act), West Singhbhum at Chaibasa in Special Case (POCSO) No. 38 of 2015 arising out of Muffasil (Chaibasa) P.S. Case No. 117 of 2015 corresponding to G.R. No. 38 of 2015*.)

Chamu Purty @ Singray Purty, Son of late Mangal Singh Purty, R/o.- Village- Amray, P.O.–Chaibasa, P.S. – Muffasil (Chaibasa), District – West Singhbhum, State-Jharkhand.

... ... **Appellant(s)**

Versus

The State of Jharkhand …… **Respondent(s)**

CORAM : SRI ANANDA SEN, J.
: SRI PRADEEP KUMAR SRIVASTAVA, J.

For the Appellant : Mr. Pradeep Kumar, Advocate
For the State : Mr. Suraj Deo Munda, A.P.P.

JUDGMENT

Dated: 27th October, 2026
***By Court* :-**

We have heard learned counsel appearing on behalf of the appellant as well as learned A.P.P. appearing on behalf of the State.

2. The appellant in this appeal has challenged the judgment by which he has been convicted for committing the offences under Sections 376(2)(i) of the I.P.C. and Section 6 of the POCSO Act vide judgment of conviction dated 30.03.2019 passed by the learned Additional Sessions Judge-III-cum-Addl. Special Judge (POCSO Act), West Singhbhum at Chaibasa in Special Case (POCSO) No. 38 of 2015 arising out of Muffasil (Chaibasa) P.S. Case No. 117 of 2015 corresponding to G.R. No. 38 of 2015 and has been sentenced to undergo **R.I. for life alongwith the fine of Rs. 10,000/-** with default stipulation for the offence under Section 376 (2)(i) of the I.P.C. vide order of sentence dated 30.03.2019.

3. The prosecution case is at the behest of PW-2, who is mother of

the victim. She states that as her marriage was not successful. She after birth of her child (victim) was residing in her parents' house. On the fateful date, her daughter (victim) aged about 13 years was in the house alone and the informant had gone for work. When she returned at 6:00 P.M. in the evening, she saw her daughter lying on the floor with blood stain. Blood was oozing out from her private parts. She called Ward Member- Sarojini Purty. When she came, she saw blood stain in the bed also. It was disclosed by the victim that this appellant about 11:00 A.M., finding her alone in the house, came and committed rape upon her. As such, she started bleeding.

4. On the aforesaid facts, F.I.R. Mufassil (Chaibasa) P.S. Case No. 117 of 2015 was instituted on 06.09.2015 for the offences under Section 376 of the I.P.C. and Sections 4/6 of the POCSO Act.

5. The police, after investigation, filed charge-sheet against the present accused for committing the offences under Section 376 of the I.P.C. and Sections 4/6 of the POCSO Act.

6. As the appellant pleaded not guilty, the charge was framed under Section 376 of the I.P.C. and Sections 4/6 of the POCSO Act.

7. After the appellant was put on trial, altogether 10 witnesses were examined on behalf prosecution, who are as follows:-

1) PW-1: Victim/Prosecutrix
2) PW-2: Mother of the victim
3) PW-3: Sarojini Purty
4) PW-4: Somnath Purty
5) PW-5: Lanka Purty
6) PW-6: Ram Purty
7) PW-7: Lorens Purty
8) PW-8: Judiya Purty @ Saluka Purty
9) PW-9: Vijay Bhusan Minz (Investigating Officer)
10) PW-10: Dr. Vinod Kumar Pandit

8. Apart from above oral evidence, prosecution has also adduced following documentary evidence:-

i. Ext.-1: Signature of victim on statement under Section 164 of Cr.P.C.

ii. Ext.-2: Signature of informant (PW-2) on fardbeyan.

iii. Ext.-2/1: Signature of PW-3 on fardbeyan.

iv. Ext.-2/2: Signature of PW-4 on fardbeyan.

v. Ext.-2/3: Fardbeyan.

vi. Ext.-3: Signature of PW-4 in seizure list.

vii. Ext.-3/1: Seizure list.

viii. Ext.-4: F.I.R.

ix. Ext.-5: Medical examination report.

x. Ext.-6: Statement recorded under Section 164 of the Cr.P.C. of the victim

9. After closure of the evidence, the statement of the appellant was recorded under Section 313 of the Cr.P.C. but thereafter the appellant did not produce any witness in defence.

10. The learned Trial Court, after evaluating oral as well as documentary evidence, found the appellant guilty for the offence punishable under Section 376(2)(i) of the I.P.C. and Section 6 of the POCSO Act and sentenced him accordingly as stated above.

11. The learned counsel appearing on behalf of the appellant submits that all the witnesses are hearsay except the victim (PW-1) and mother of the victim (PW-2). The doctor, who has been examined as PW-10 has neither ascertained the exact time of occurrence nor he has sent the cloths of the victim for examination. The doctor has also not recorded the statement of the victim at the time of her medical examination. He further submits that there is no any report with regard to the fact that as to how many days the victim was admitted in the hospital. Learned counsel on behalf of the appellant lastly submits that

the statement of the victim is not believable as she has not screamed or raised alarm considering the nature of offence, which was perpetrated upon her. She has also not disclosed about the occurrence to anyone but only to the mother, after she returned home.

12. Learned A.P.P. appearing on behalf of the State opposes the prayer of the appellant and submits that all the prosecution witnesses have supported the prosecution case. The statement of victim inspires confidence and unblemished. This appellant, finding the victim alone in the house, committed rape upon the victim girl, who is minor aged abut 11-12 years. PW-10 Dr. Vinod Kumar Pandit, who examined the victim girl, has also supported the factum of rape committed upon the victim. Hence, finds that there is nothing on record to suggest that the victim has created a story and falsely implicated the appellant in this case. It is her contention that the solitary evidence of the prosecutrix is sufficient in this case as it inspires confidence and trustworthy. He further submits that non-recording of statement of victim by the doctor at the time of her examination not worth to disprove the testimony of victim.

13. It is well settled principle of law that in a case under section 376 of the I.P.C., if the statement of the victim inspires confidence and is unblemished, on sole testimony of the victim, the accused can be punished.

In the case of "**Krishan Kumar Malik vs. State of Haryana**, as reported in **(2011) 7 SCC 130**, the Hon'ble Apex Court held that to hold an accused guilty for commission of an offence of rape, the solitary evidence of prosecutrix is sufficient, provided the same inspires confidence and appears to be absolutely trustworthy, unblemished and should be of sterling quality.

14. In the instant case, the occurrence had taken place inside the house of the victim. Admittedly, at the relevant point of time, except

victim, no one was there in the house, as the victim has stated that her mother had gone to work. Her mother also supports the aforesaid statement.

15. The victim in this case is **PW-1.** She in her deposition, has stated that she was alone in the house when this appellant came and removed her pants and committed rape upon her, as a result of which, she started bleeding. She has also stated that she felt dizziness. She further stated that when her mother came at 6 o'clock in the evening, she narrated how she was subjected to sexual assault by this appellant. She also stated that she was taken to the sadar hospital, where she was treated. She admitted that her statement under Section 164 of the Cr.P.C. was recorded.

In her cross-examination, she has stated that her mother had handed over the blood stained clothes to the police. Further, in her cross-examination, not a single material in respect to disprove or discredit the testimony of this witness was extracted.

This witness stood firm and could not be shaken by the defence.

PW-2 is mother of the victim, who has stated that when she return from work, she saw her child (victim) lying in pool of blood. Blood was oozing out from her private parts and wearing apparels were wrenched with blood. The victim narrated that it is this appellant, finding her alone, has committed rape upon her. Thereafter, she was taken to the hospital.

In her cross-examination, she clearly admits what all her daughter had narrated to her, she has narrated in Court. She has further admitted that she has given the pant of her daughter to the police. She has also admitted that she has signed on the documents in the police station and denies the fact that she has falsely implicated the accused.

Her evidence also inspires confidence and there is nothing in her testimony to discredit this witness.

The most important witness is **PW-10 Dr. Binod Kumar Pandit.** He has examined the victim and found lacerated wound on outer part of vagina and on perineal area. It is necessary to quote the injury which was found by the doctor on examination of victim, which is as under:-

General Examination:- Height: 4',1". Weight: 23 Kgs. Teeth: 7=7/7, 14/14=28. Secondary Sexual Character: Axillary pubic mammary gland no developed.

Mark of identification:-

1) 3" long wound mark on the dorsem of left forearm.
2) 1 & 1/2" long old wound mark on the dorsem of right forearm.

Examination of Private Parts and other part of body:-

1) Lacerated wound on outer part of vagina and on perineal area- irregular in shape, size 2" x 1/2" x 1" deep wound margin- red odematous and tender on touch. Clotted blood and dried up blood present in the wound bed and outside wound area. Blood stain present around private part and on inner side of thigh. Blood stain present on cloths handed over to female police on foreign hair found in private parts.

   Age of injury: more than 6 hours but within 72 hours.

   Nature of Injury**:- Grievous in nature and may be dangerous to her life, if medical treatment would have not been provided in time to her.**
2) No any other external injury observed on her body except injury to her private part.
3) Pathology report: a) No spermatozoa found dead or alive. b) Pus cells- 15 to 20 per HPF-epithelial cells 2+ RBC 60 to 70 bacteria 2+.
4) Radiological findings: i) Epiphysis yet not united with their respect shafts at left elbow and knee joint but all carpal are ossified.

5) Opinion:

1. Age- 11-12 years Plus Minus 01 year.
2. Forceful penetration of vagina has been tried leading to perineal tear with bleeding.

The doctor has opined that age of the victim is 11-12 years and there is forceful penetration of vagina which led to perinea tear with bleeding. He also opined that the injury was grievous in nature may be dangerous to life if medical treatment would not have been provided to her on time. Nothing much has been extract in his cross examination except the fact that doctor has not recorded the statement of the victim and the exact time of the injury has not been mentioned. These matters are absolutely irrelevant for the purpose of this case as the doctor is not the appropriate person to record the statement of victim and non-recording of victim's statement by the doctor is not fatal.

The report of the doctor clearly suggests that the victim, who was ravished and sexually assaulted which led to grievous injury on her private parts. The doctor's report also corroborate with the statements of PW-1 (victim) and PW-2 (mother of the victim).

The **Investigating Officer**, who is **PW-9,** has proved the F.I.R. and the place of occurrence. He has also admitted that the mother of the victim (PW-2) had handed over to him the pant of the victim. He visited the place of occurrence and found blood stains on the floor. Though, he has stated that he has neither seized the mat, where the victim was sleeping nor has sent the wearing apparel for FSL but admitted the fact that he has seized the wearing apparels and prepared its seizure list. This corroborates the statement of mother of the victim that she had handed over the wearing apparel, the pant, to him.

PW-3 Sarojini Purty is Ward Member, where the victim resides. She states that on the date of occurrence, mother of the victim

called her in her house in the evening and when she went there, she saw the victim was soaked in blood. The victim told her that this appellant committed rape upon her. Due to night, they did not do anything but on the next day, she informed Village Munda and Police. Police came and brought the victim to hospital.

PW-4 Somnath Purty is the village Munda. He has also gone to the house of the victim and found that blood was oozing out from private part of the victim. The victim told him that this appellant committed rape upon her.

PW-5 Lanka Purty, PW-6 Ram Purty & PW-7 Lorens Purty have supported the prosecution case and on the alleged date of occurrence, this appellant has committed rape upon the victim.

Nothing specific has been extracted in their cross-examination by the defence.

PW-8 Judiya Purty @ Saluka Purty has stated that occurrence took place before three years. This appellant had committed rape upon the victim and the accused was caught by mother of the victim and her grandmother. A panchayati was also held, where the accused had confessed his guilt.

16. In this case, medical evidence clearly supports the ocular evidence and the testimony of the victim girl and mother was not shaken and they have stood firm. Nothing has been brought by the defence to discredit the prosecution evidence.

17. Further, from the examination of the appellant under Section 313 of Cr.P.C., we find that all the circumstances were put to him and he has stereo type answered "allegations are false."

18. Considering what has been held above, we find that the prosecution has been able to prove the guilt of the appellant beyond all reasonable doubt. Thus, the judgment of conviction and sentence passed by the learned Trial Court need no interference.

19. Accordingly, this criminal appeal stands **dismissed.**

20. Appellant is in custody. Let a copy of this judgment be furnished forthwith to the appellants through learned A.P.P.

21. Let the copy of this judgment be sent to concerned Trial Court for information and needful.

22. Pending I.A.(s), if any, stands disposed of, accordingly.

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

High Court of Jharkhand at Ranchi
Dated: 27.10.2026
Rahul/NAFR
Uploaded on: 02/11/2026