

HON'BLE SRI JUSTICE B. KRISHNA MOHAN

CRIMINAL REVISION CASE No.454 of 2017

ORDER:

No representation for the parties.

2. This criminal revision arises against the judgment in Criminal Appeal No.339 of 2014 on the file of XI Additional District and Sessions Judge, Tenali, Guntur District dated 14.02.2017 confirming the judgment in S.C.No.19 of 2014 on the file of Additional Sessions Judge, Repalle, dated 16.09.2014 convicting and sentencing the petitioner for the offences punishable under Sections 376 and 417 IPC.

3. The petitioner herein is the accused before the trial court and the appellant before the lower appellate court.

4. The brief case of the prosecution is that the petitioner committed the offences under Sections 417, 420 and 376 IPC. On the afternoon of 29.01.2012, the petitioner being an accused entered the house of prosecutrix (PW1) and forced her to have a sexual intercourse by influencing her that he would marry her and as such there was nothing to afraid. Thus the incident lasted for an hour and thereafter in June, 2005, the petitioner being an accused indulged in sexual intercourse with PW1 in the house of PW3 by giving false assurance that he would marry her and had the intercourse. Similarly in the month of August, 2012 also the petitioner repeated the sexual abuse against PW1 and

finally threatened her when she insisted for marriage. Accordingly, the case was registered again. On filing of the charge sheet by the police the case was numbered as S.C.No.19 of 2014 on the file of Assistant Sessions Judge, Repalle. The court below considered the case on merits and found the accused guilty of the offences under Sections 376 and 417 IPC. Accordingly, sentenced him to undergo Rigorous imprisonment for a period of seven years with a fine of Rs.5,000/- in default of payment of fine the accused shall suffer simple imprisonment for a period of one year and he was also sentenced to undergo for a period of three months for the offence under Section 417 IPC. Both the sentences are directed to run concurrently by giving a set off for the remand period under Section 428 CrPC. Aggrieved by the same, the petitioner preferred an appeal before the lower appellate court in Cr1.A.No.339 of 2014 and the same was also dismissed on merits vide its judgment, dated 14.02.2017.

5. The above said revision was filed by the petitioner contending that the courts below ought not have relied upon the evidence of PWs.1 and 2 and the exhibits marked in Exs.P1 to P12 and contending that there is no independent witness for the alleged offences.

6. The judgments of the courts below are perused and the evidence on record is appreciated. The version of PW1 in the incident of rape commands great respect and acceptability. There is no circumstance that expresses any doubt on the veracity of the prosecutrix.

The evidence of PW1 appears to be highly reliable and credible and trustworthy. The evidence of PWs.1 to 3, 7 and 11 to 13 is reliable and trustworthy. The evidence on record discloses that there is no consent at all by the prosecutrix and prosecution has proved the guilt of the accused beyond reasonable doubt for the offence punishable under Section 376 IPC. The accused deceived the prosecutrix stating that he would marry her and had sex with her and that thereby the accused committed the charged offence punishable under Section 417 IPC. Hence, there would not be any justification to interfere with the judgments of the courts below.

7. Accordingly, the Criminal Revision Case is dismissed. Interim order, if any, stands vacated.

As a sequel, the miscellaneous applications pending if any shall stand closed.

April 21, 2022
LMV

JUSTICE B. KRISHNA MOHAN

HON'BLE SRI JUSTICE B. KRISHNA MOHAN

180

CRIMINAL REVISION CASE No.454 of 2017

April 21, 2022

LMV