

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CRIMINAL APPEAL NO(s). 500 OF 2004

STATE OF U.P.

Appellant (s)

VERSUS

SONEY LAL

Respondent(s)

Date: 02/06/2011 This Appeal was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR  
[VACATION BENCH]

For Appellant(s) Mr. Manoj Dwivedi, Adv.for  
Mr. Gunnam Venkateswara Rao,Adv.

For Respondent(s) Mr. Manoj Swarup,Adv.(Not present)

UPON hearing counsel the Court made the following  
O R D E R

The Appeal is dismissed in terms of the signed order.

The bailable warrants issued against the accused shall stand discharged.

(Parveen Kr. Chawla)  
Court Master

(Indu Satija )  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.500 OF 2004

State of U.P.

..Appellant

versus

Soney Lal

..Respondent

O R D E R

Heard learned counsel for the State.

None appeared for the accused though the name of Mr. Manoj Swarup, Advocate is shown in the cause list.

The accused was charged for an offence under Sections 376/511 of the Indian Penal Code for allegedly attempting to commit rape on a minor girl of twelve years namely Reshma. The learned Sessions Judge convicted the accused. In appeal, the High Court acquitted the accused of the charge and set him free.

Learned counsel appearing for the State of Uttar Pradesh while impugning the judgment under appeal, contended that the High Court has fallen in error of law as well as in appreciating the evidence. There was sufficient evidence of the eye-witnesses on the basis of which, the judgment of conviction by the Trial Court ought to have been upheld by the High Court.

We may notice that the statement of the prosecutrix herself shows that she was playing with her brother in the day time near the canal, where the accused, whom she

CRIMINAL APPEAL NO.500 OF 2004

-2-

admittedly met for the first time, alleged to have allured her on the ground that he will give her a pigeon after catching the same and, therefore, the accused persuaded her to come inside the Chhota Imambara and tried to commit rape on her. On her crying, grand-father, father and brother of

the prosecutrix had come and the accused ran away.

The

story of the prosecution is improbable while the onus is on the prosecution to prove the charge beyond any reasonable

doubt. It is not even disputed before us that the brother of the accused was missing and a news to this effect had

been telecast on the television and the accused was looking for his brother. Admittedly, the accused did not belong to

that area. The accused had put forward the defence that he was riding a bicycle which was taken away by the family of the girl and there was a quarrel between the parties.

In the circumstances, the High Court formed an opinion that it was a case of false implication and acquitted the accused.

There are few glaring lacunae in the case of the prosecution, firstly there is no medical report that the girl suffered any injuries when the accused forcibly attempted to commit rape on her, secondly there is no investigation by the police as to the story put forward by the accused that his bicycle has been taken away by the family of the prosecutrix and lastly there is conflict between the statements of the alleged eye witnesses who are the relatives of the prosecutrix herself.

CRIMINAL APPEAL NO.500 OF 2004

-3-

Keeping in view the improbable story put forward by the prosecution, we do not see any reason to interfere with the judgment of the High Court acquitting the accused.

The Appeal is dismissed accordingly.

While granting leave, this Court issued bailable warrants in respect of the accused, respondent herein. Since, we have dismissed the appeal of the State, the bailable warrants issued against the accused shall stand discharged.

.....J.  
[DR.B.S. CHAUHAN]

.....J.  
[SWATANTER KUMAR]

New Delhi;  
June 02, 2011