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Crl.A.No. 310 OF 2000
.UP 10 2; Draft, smtst; -n -PA4 -dFX-NORMAL -y -e; dumbp
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ITEM No.102 Court No.1 SECTION II

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.310 OF 2000@@
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Baloo Appellant (s)

VERSUS

State of Rajasthan & Ors. Respondent (s)

Date : 25/07/2001 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL

For Appellant (s) Ms. Ritu Puri, adv.
for Mr. Dinesh Kumar Garg, adv.

For Respondent (s) Mr. Ranji Thomas, adv.
Mr. Javed Mahmud Rao, adv.

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

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.SP2

The appeal is dismissed in terms of the signed
order.

.SP1

(Neena Verma)
Court Master

(Prem Prakash)
Court Master

Signed order is placed on the file.

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.PL60

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.310 OF 2000@@
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Baloo

.... Appellant

Versus

State of Rajasthan & Ors.

.... Respondents

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The appellant along with two others was convicted by the Trial Court for an offence under Section 376 IPC and sentenced to 10 years RI and a fine of Rs.500/- and in default of payment of fine, to undergo three months' RI. He has also been convicted under Section 366 IPC and sentenced to 5 years RI and to pay a fine of Rs.500/- and in default of payment of fine, to undergo three months' R.I. For an offence under Section 147 IPC, the appellant has been convicted and sentenced to one year R.I. The High Court dismissed his appeal against conviction and sentence.

The Trial Court, after recording evidence of the prosecution witnesses, accepted the case of the prosecutrix which was amply corroborated by other evidence and held the appellant and others guilty of the offence as noticed above. It was a case of gang rape. The appreciation of evidence by the Trial Court appears to be fair and proper. The High Court also, by a detailed order, found that the prosecution had established its case against the appellant beyond a reasonable doubt.

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- 2 -

Faced with this situation, it appears learned counsel pleaded in the High that though conviction as recorded by the Trial Court may not be interfered with, the appellant be released on the sentence already undergone by him by reducing the sentence imposed by the Trial Court. This plea did not find favour with the High Court, and in our opinion rightly, in view of the prosecution having established its case by leading clear and cogent evidence against the appellant. So far as the sentence is concerned, Section 376 (2) Clause (g) provides for a minimum sentence of 10 years R.I. in the case of gang rape. The appellant had been charged of being a member of the gang which raped the prosecutrix for three days.

Ms. Ritu Puri, who appears for learned counsel for the appellant, and who has assisted us in going through the record, also pleaded for reduction of sentence. We find that the statement of the prosecutrix about the manner in which gang rape was committed on her and her nose and ear were later on chopped off, has not been discredited in her cross examination to any extent. Her testimony has also been amply corroborated by other evidence on the record, which we find no reason to ignore. The sentence imposed is the minimum sentence prescribed by law and there are no extenuating circumstances calling for its reduction.

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Under the circumstances, we do not find any merit in this appeal. The same fails and is hereby dismissed.

.SP1

.....CJI.

.....J.
(R.C. LAHOTI)

New Delhi,
July 25, 2001.

.....J.
(SHIVARAJ V. PATIL)