

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.116 OF 1999

RAM NARAYAN JHA

Appellant (s)

VERSUS

STATE OF ASSAM

Respondent(s)

O R D E R

The appellant had permitted PW2 to stay in his quarters as licensee and on 28.10.1989 at

about 12.30 a.m. (night) the appellant went to the house of PW 2 and when he was not there he made an

entry into the house where PW 1, wife of PW 2 was there with her three children. The allegation is that

the appellant committed rape on PW1 at about 1.30 a.m. When PW 2 came PW 1 narrated the whole

incident and on the next day PW 2 went to the police station and gave a complaint that the appellant

had raped his wife PW 1. PW 1 was sent for medical examination and thereafter investigation the

investigating officer filed a final report.

The Sessions Court found the appellant guilty of offence punishable under Section 376 of

the IPC and sentenced him to undergo imprisonment for a period of four years. The appellant filed an

appeal before the High Court and the High Court was pleased to find him guilty only under Section

376 I.P.C. read with Section 511 I.P.C. and reduced the sentenced from four years to two years. This

conviction and sentence has been under challenge before us.

We have heard learned counsel for the respective parties. It was submitted by the

appellant's counsel that the evidence of PW 1 is highly improbable and if she had made an outcry at the

time of the incident the neighbours could have come and her two children were also inside the house

and they also would have woke up and so the evidence of PW 1 is unbelievable. We are not inclined to

accept this contention advanced by counsel for the appellant and the evidence of PW 1 on the whole is

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believable and the Sessions Court as well as the High Court rightly relied on the evidence of PW 1. In

view of absence of definite medical evidence, the High Court was pleased to find him guilty for the

offence under Sections 376 read with Section 511 of I.P.C. and we see no reason to interfere with such

finding. The appeal is accordingly dismissed.

.....J.

(K.G. BALAKRISHNAN)

.....J.

(B.N. SRIKRISHNA)

NEW DELHI;

3RD MARCH, 2005

ITEM NO.104

COURT NO.6

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(s). 116 OF 1999

RAM NARAYAN JHA

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VERSUS

STATE OF ASSAM

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Date: 03/03/2005 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.G. BALAKRISHNAN

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Appellant(s)

Mr.Krishna Ballabh Singha, Sr.Adv.

Mr.Shailendra Singh, Adv.

for Mr. Vimal Chandra S. Dave,Adv.

For Respondent(s)

Ms.Krishna Sarma, Adv.

Mr.V.K.Sidharthan, Adv.

for M/s. Corporate Law Group,Adv.

UPON hearing counsel the Court made the following

O R D E R

The appeal is dismissed in terms of the signed order.

(G.V.Ramana)

(Veera

Verma)

Court Master

Court

Master

(Signed order is placed on the file)