

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 721 OF 2005

STATE OF H.P. Appellant (s)

VERSUS

JEET RAM Respondent(s)

ORDER

Heard Mr. Naresh K. Sharma, learned counsel for the appellant-State and Mr. Bimal Roy Jad, learned counsel appearing for the Respondent.

This is an appeal against the judgment and order dated 19th May, 2003 of the High Court of Himachal Pradesh in Criminal Appeal No. 129 of 2002. By the said Judgment and Order, the High Court has set aside the conviction of the Respondent under Sections 376 and 506 of the Indian Penal Code and acquitted him of the charges.

We have gone through the impugned judgment and order and we find that the High Court has given good reasons for not believing the evidence of the prosecutrix. The High Court has found that the relationship between the family of the accused and that of the prosecutrix had been strained on account of breaking down of talks of marriage between the two families and on this ground it has not placed reliance on her evidence. The High Court has also found that the occurrence of the rape was alleged to have been seen by one Banti but Banti was never produced for examination before the Court and in the circumstances of the case, an adverse inference had to be drawn on account of non production of Banti as a witness. The High Court has also found that PW 6 (Lila Devi), the only other eyewitness had not supported the prosecution case at all.

As the view taken by the High Court is a possible one on the evidence on record, we are not inclined to interfere with the judgment and order of the High Court.

Hence, the appeal fails and is dismissed.

.....J.
(A.K. PATNAIK)

.....J.
(CHANDRAMAULI KR. PRASAD)

NEW DELHI,
JANUARY 23, 2013

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). 721 OF 2005

STATE OF H.P.

Appellant (s)

VERSUS

JEET RAM
(With office report)

Respondent(s)

Date: 23/01/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD

For Appellant(s) Mr. Naresh K. Sharma, Adv.

For Respondent(s) Mr. Bimal Roy Jad, Adv.
Mr. Gaurav Yadav, Adv.
Mr. N.G. Dev, Adv.
Mr. Malik J.B., Adv.

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

The appeal fails and is dismissed in terms of the
signed order.

| (G. SUDHAKARA RAO)
| COURT MASTER

| | (KALYANI GUPTA)
| | COURT MASTER

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(SIGNED ORDER IS PLACED ON THE FILE)