

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1398 OF 2010

LALIT DAS

... APPELLANT

VERSUS

STATE OF ASSAM

... RESPONDENT

O R D E R

Appellant was put on trial for commission of offence under Section 448 and 376 of the Indian Penal Code ("IPC" for short). Additional Sessions Judge, Nagaon, by a judgment and order dated 14.06.2007 passed in Sessions Case No. 199 (N) of 2005 held him guilty and sentenced him to undergo rigorous imprisonment for 3 years with fine of Rs. 500/-, with default clause, for offence under Section 448 of the IPC and rigorous imprisonment for seven years with fine of Rs. 3,000/-, with default clause, under Section 376 of the IPC. The appeal preferred by the appellant had been dismissed by the High Court by its judgment and order dated 8.12.2009 passed in Criminal Appeal No. 127 of 2007. It is against the conviction and sentence, the appellant is before us with the leave of the Court.

According to the prosecution, the victim woman (P.W.-2) and the accused are immediate neighbours living in the same compound. The victim in the case is a widow in between 55-60 years of age. On 4.09.2004 at noon, she was alone at home and suffering from diarrhoea and at that time the appellant came to her house and offered a tablet claiming the same as anti-diarrheal medicine. According to the prosecution, soon after taking the medicine, the victim woman fell unconscious and taking advantage thereof the appellant committed sexual intercourse with her. The incident was immediately reported to the neighbours who gathered, which include P.W.-3, Bipin Ch Das @ Bipul Das and P.W.-4, Sukleswar Das, the witnesses living in the same compound and P.W.-5, Anil Das, and P.W.-6, Nandeswari Das, who happened to be resident of the same village. She was examined by Dr. Md. Hiteswar Gogoi, P.W.-8.

Police, after usual investigation, submitted the chargesheet against the appellant and he was committed to the Court of Sessions to face trial. The appellant denied to have committed any offence and from the trend of his cross-examination his defence seems to be that because of boundary dispute, he has falsely been implicated in the case. However, no defence witness had been examined.

Date: 03/10/2013 This Appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE CHANDRAMAULI KR. PRASAD
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR

For Appellant(s) Ms. Sumita Hazarika, Adv.

For Respondent(s) Mr. Navnit Kumar, Adv.
for M/S Corporate Law Group, Advs.

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

The appellant is on bail. His bail bond is cancelled. He is directed to surrender forthwith, failing which, the trial court shall ensure that he is taken into custody to serve out the remainder of his sentence.

The appeal is dismissed in terms of the signed order.

(S.K. Rakheja)	(Indu Satija)	
Court Master	Court Master	

(Signed order is placed on the file)