

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 333 OF 2020
[@ SPECIAL LEAVE PETITION (CRL.) NO. 3249 OF 2019]

RAKESH KUMAR YADAV

Appellant (s)

VERSUS

THE STATE OF CHHATTISGARH

Respondent(s)

O R D E R

Leave granted.

This appeal arises out of the impugned Judgment and Order dated 28.11.2018 passed by the High Court of Chhattisgarh at Bilaspur in Criminal Appeal No. 550 of 2009, whereby the High Court has affirmed the order of conviction of the appellant passed by the trial court under Sections 376 (1) and 450 IPC.

The brief facts of the case are as follows :-

On 22.03.2008, when the prosecutrix was staying in her house with her daughter, the appellant - Rakesh Kumar Yadav forcibly entered into her house and committed sexual assault on her. On hearing her screams, her daughter came to rescue when the appellant threatened her of life. When the husband of the victim came to the house, the accused fled away from the spot.

An FIR was registered at the instance of the prosecutrix under Sections 376, 450 and 506-B IPC and Sections 3(1)(12) of the SC/ST (Prevention of Atrocities) Act. As many as eleven witnesses were examined by the prosecution and five witnesses were examined by the accused in his defence. The medical examination of the prosecutrix proved the incident of rape.

The Sessions Court, on hearing the parties, though acquitted the appellant for the offence under Section 3(1)(12) of the SC/ST (Prevention of Atrocities) Act, but sentenced him under Section 450 IPC for three years rigorous imprisonment and for five years under Section 376 (1) IPC. By way of impugned Judgment and Order dated 28.11.2018, the High Court has affirmed the sentence imposed by the trial Court.

We have heard the learned counsel appearing for the parties at length. In view of the statements of PW-3 (the prosecutrix), PW-1 (Amritlal - husband) and PW2 - the daughter of the victim, the affidavit filed by the prosecutrix in this Court stating that she had lodged the case against the appellant under pressure, cannot be relied upon. Hence, we find no ground to interfere with the impugned Judgment and order passed by the High Court. The appeal is, accordingly, dismissed.

.....J.
[ARUN MISHRA]

.....J.
[INDIRA BANERJEE]

New Delhi;
FEBRUARY 18, 2020.

ITEM NO.5

COURT NO.3

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (CrI.) No(s). 3249/2019

(Arising out of impugned final judgment and order dated 28-11-2018 in CRLA No. 550/2009 passed by the High Court Of Chhatisgarh At Bilaspur)

RAKESH KUMAR YADAV

Petitioner(s)

VERSUS

THE STATE OF CHHATTISGARH
(FOR ADMISSION AND I.R.)

Respondent(s)

(IA No. 50402/2019 - EXEMPTION FROM FILING O.T.

IA No. 50398/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 18-02-2020 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARUN MISHRA
HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. Vikrant Singh Bais, AOR
Mr. Yogesh Tiwari, Adv.

For Respondent(s) Mr. Muhammad Ali Khan, AAG
Mr. Nishanth Patil, AOR
Mr. Omar Hoda, Adv.
Mr. Kamran Khan, Adv.
Mr. Imroz Alam, Adv.
Mr. Chirag Jain, Adv.

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

Leave granted.

The appeal is dismissed in terms of the signed order.

Pending interlocutory application(s), if any, is/are disposed
of.

(JAYANT KUMAR ARORA)
COURT MASTER

(JAGDISH CHANDER)
BRANCH OFFICER

(Signed order is placed on the file)